SENATE—*Thursday, September 10, 1998*

The Senate met at 9:28 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Lloyd John Ogilvie, offered the following prayer:

Oh God of hope, who inspires in us authentic hope, we thank You for the incredible happiness we feel when we trust You completely. The expectation of Your timely interventions to help us gives us stability and serenity. It makes us bold and courageous, fearless and free. We agree with the psalmist, "Happy is he whose hope is in the Lord his God."—Psalm 146:5.

You have shown us that authentic hope always is rooted in Your faithfulness in keeping Your promises. We hear Your assurance, "Be not afraid, I am with you." We place our hope in Your problem-solving power, Your conflict-resolving presence, and Your anxiety-dissolving peace.

Father, the Senators and all who work with them face a busy day filled with challenges and opportunities. And in it all, we have a vibrant hope that You will inspire the spirit of patriotism that overcomes party spirit and the humility that makes possible dynamic unity. Give us hope for a truly great day of progress. In the Name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. BROWNBACK. Mr. President, this morning there will be a period for morning business until 10 a.m. Following morning business, the Senate will resume consideration of the pending McCain amendment to the Interior appropriations bill for debate only until noon. At noon, under a previous order, Senator FEINGOLD will be recognized to offer a motion to table the McCain amendment. If the amendment is not tabled, debate only will resume until 1:45 p.m., at which time the Senate will vote on the motion to invoke cloture on the McCain amendment. Following that vote, Senator GRAHAM of Florida will be recognized for up to 1 hour of morning business. Following the remarks of Senator GRAHAM, and assuming cloture was not invoked on the McCain amendment, the Senate will resume consideration of the Interior bill with amendments being offered and debated. Therefore, Members should expect rollcall votes throughout today's session, with the first vote occurring at approximately 12 noon.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ENZI). Under the previous order, there will now be a period for the transaction of morning business, with the Senator from Kansas, Mr. BROWNBACK, recognized to speak until 10 a.m.

CALLING FOR THE RESIGNATION OF PRESIDENT CLINTON

Mr. BROWNBACK. Mr. President, I rise today to address a subject that is both extraordinarily difficult and painful. In times of international turmoil, the Nation should rally behind our leaders, and we are in the midst of such times. But President Clinton's abdication of the duties of leadership has made this impossible. The report of the independent counsel is now under seal. When its contents are released to the Members of Congress, questions of criminal wrongdoing will unavoidably dominate this branch of government.

The Congress must determine whether the President will be impeached. I will not prejudge that question. As a Member of the body that will deliberate on this issue, I believe it is important to have access to all the evidence before reaching a conclusion on the issue of impeachment. Rather, I rise today to respectfully ask President Clinton to do the right thing for our country and resign from his office voluntarily.

There are three reasons why I believe this has become necessary at this point in time.

First, the President's conduct has all but destroyed his ability to lead as head of state and Commander in Chief.

Second, the President's actions have been corrosive to our national character and have debased the Office of the Presidency.

Third, President Clinton should spare our Nation the debilitating spectacle of impeachment hearings.

Over the last several weeks, we have witnessed the disastrous consequences abroad of diminished American leadership. There are some who have said that the President's conduct is purely a private matter. They are wrong. Private actions have public consequences. They do for all of us, but especially the President of the United States. In all of governance, but with foreign policy in particular, credibility is everything. Weakness is provocative; deceit can be deadly. When American foreign policy is unpredictable, our allies are unreliable, and tyrants are emboldened. These hypothetical dangers have become tragic realities.

Yesterday afternoon, I chaired a hearing on U.S. foreign policy in Iraq, for instance, and we heard from Jeane Kirkpatrick, former U.N. Special Representative; James Woolsey, former CIA Director; and Lawrence Eagleburger, former Secretary of State. What we heard was deeply distressing. It appears that the President's policy toward Iraq consists of paying lipservice to the importance of comprehensive and unrestricted weapons inspections and then preventing the arms inspectors from carrying out their mission.

Such abdication of leadership leaves Saddam Hussein free to build weapons of mass destruction, thus jeopardizing the security of our troops, our allies in the region, and ultimately the United States itself. Nor is Iraq the only nation that has thumbed its nose at a weakened United States.

Around the world, rogue nations are violating fundamental human rights, waging wars of aggression, and flouting international treaties. Our ability to deter these acts has been sadly compromised by an absence of leadership, a total lack of credibility. Enemies of our values and interests have judged the President's ability to lead the United States and have found it wanting. As a result, the world is a much more dangerous place.

Second, the President's actions have squandered his moral authority to lead at home. The problems of family breakdown and moral decay are the most significant that we face. Just one comes glaringly out into mind: that nearly 30 percent of our children born in this country are born to single moms, many of whom are teenagers having children.

Can the President, with the problems he has today, lead our fight in that area? The President cannot address these problems when he himself has contributed to the decay. One of the privileges and obligations of high office is to act as a role model for children. We need our President to set an example to be admired, not to be avoided. The President's ongoing adultery with an intern of barely legal age, misuse of the Oval Office, and repeated lies from he and his staff have done enormous damage to the body politic. Unfortunately, at the very time when most need strength, focused resolve, and moral leadership from our President, he has been unable to supply it. We live

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

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in a volatile world with very real dangers and very difficult problems. We cannot afford to let these dangers go unnoticed and problems unresolved by a President unable to lead.

I say all of this with great respect and with deep regret. President Clinton is a talented man who believes in America and has spent his life serving others.

Yet his immoral indiscretion, and months of lies to the Nation have tarnished his leadership ability beyond repair. None of us are without sin. But the high call of leadership demands a certain moral authority that by the President's own actions is now lost.

There is a final point to be made. Very soon the contents of the independent counsel's report will be made known publicly. The contents of this report will result in impeachment proceedings. Such hearings will surely take a heavy toll on the function of our government, on the trust invested in our civic institutions, and on the American people themselves. President Clinton could spare us this ordeal. He could quickly and decisively enable our Nation to put this sorry chapter in our history behind us and to move on. But at this point there is only one way for him to do that. Sadly and reluctantly, I have concluded that the only way for us to move forward as a Nation is for the President to resign.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BINGAMAN. Mr. President, I also ask unanimous consent that I be allowed to speak on the issue of campaign finance reform, and that I be allowed to complete my statement even if it runs into the period designated for the campaign finance reform discussion.

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

CAMPAIGN FINANCE REFORM

Mr. BINGAMAN. Mr. President, this debate about the campaign finance bill is really about a single question, and that is what should determine the outcome of our Federal elections? Should money determine the outcome of our Federal elections or should instead we have those elections determined by a balanced discussion, a complete and a balanced discussion about the differences between the candidates and the different positions they are taking? Should it be money or should it be helpful information for voters? Should it be money or should it be a robust debate on issues?

The question that I just posed has been obscured because opponents of campaign finance reform are hiding behind what I believe are mistaken Supreme Court decisions, and in doing so they have tried to equate money and speech. They argue that money is speech, and therefore to limit money is to limit speech. They say that money means more robust debate. They say that more money means more helpful information for voters. They say that even more money means more complete and balanced discussion about the differences between the candidates.

In my view, this argument does not pass the laugh test. Any reasoned observer of our Federal campaigns knows that the argument is without merit. Ask any challenger to an incumbent Senator the following question: Have not the millions more in dollars that the incumbent has been spending on his or her reelection meant more robust debate? Have not the millions of dollars that the incumbent has been spending meant more helpful information to the voters and more complete and balanced discussion about the differences between the candidates? The challenger, I am sure, would laugh out loud at that notion.

Ask any voter who has been deluged with negative television advertisements funded by very large campaign war chests whether those TV ads have produced more robust debate and more helpful information for the voters and more complete and balanced discussion of the differences between the candidates. Again, those voters will think that you are crazy to even suggest that idea. The vast increase in money spent on political campaigns has not produced more robust debate. It has not produced more helpful information for voters and more complete and balanced discussion about the differences between candidates.

More money has produced just exactly the opposite. Voters themselves will tell you that money does not equal speech. In fact, they will tell you that money is not speech and that money too often results in an undermining of our ability to meaningfully discuss issues in a campaign. They are very specific about this. Voters were surveyed by Princeton Survey Associates recently and those voters said that campaign money leads elected officials to spend too much time fundraising—63 percent of the public believes that; that money not speech determines the outcome of elections under the current system—52 percent of voters believe that.

Even more importantly, voters believe that campaign money gives one group more influence by keeping other groups from having their say in policy outcomes. They believe that campaign money keeps important legislation from being passed. They think campaign money leads elected officials to support policies that even those elected officials do not think are in the best interests of the country. And finally, the public believes that campaign money leads elected officials to vote against the interests of their own constituents, the people who have sent them to Congress to represent them.

Let me add parenthetically that in this very Senate session the killing of the tobacco bill in June, Congress' refusal now to even consider serious HMO reform in the Senate, these are recent vindications of the people's beliefs about the effects of money on our policymaking efforts.

So the argument by opponents of campaign finance reform that money is speech and that it should in no way be limited simply does not pass the laugh test with the American people. People are right that we desperately need to reform our campaign finance system. We need to reduce the amount of money raised and spent in our campaigns. We need to increase the amount of robust debate and helpful information that we provide to voters. We need to increase the discussion, the complete discussion about differences between candidates on issues of importance to the people.

The modified McCain-Feingold campaign reform bill offered to the Senate today is a big step in that direction. It does at least two very important things. First, it will reduce the amount of big, unregulated donations from corporations and unions and wealthy individuals in our campaigns. Second, it will regulate the huge amounts of money spent by so-called "independent" special interest groups on advertising, which is disguised as "issue ads" but in fact is designed to advocate the defeat of a particular candidate.

The original McCain-Feingold bill did even more, but the bill had to be scaled back to reduce the objections from some of the opponents to campaign finance reform. I stand ready to support the motion to allow a vote on the modified version of McCain-Feingold. I hope today that minority of Senators who have repeatedly denied the people an up-or-down vote on this bill will change their minds. I hope that with the historic passage of the bill by the House—representing a majority of the voters of the United States—this minority of Senators will see that they should not again thwart the clearly expressed will of the people.

I hope this minority of Senators will not want to be the single force responsible for continuing the undermining of our national political system that is accomplished each day by the millions and millions of dollars of unregulated campaign money when today they have a unique and historic opportunity to change all of that.

So, I hope those who have, in recent months, opposed the will of the people on this vote, on this issue, will vote for

cloture, will give the people the up-or-down vote they very much want and very much deserve.

ANGELA RAISH

Mr. BINGAMAN. Mr. President, as most of know, Angela Raish retired at the end of July from her position as Personal Secretary to our colleague, Senator PETE DOMENICI. This is an event viewed with mixed emotions by all of us New Mexicans who have had the pleasure of working with Angela over the years. On the one hand, we are glad that she and her husband Bob are taking some much-deserved time for themselves. On the other hand, and there's always another hand, all of us who have come to know and admire her will miss our day to day dealings with her.

Twenty-one years of service to one Senator, one Senate office and one state—our own New Mexico—represent a remarkable career of attention and devotion. Ever gracious and thoughtful, she has been a wonderful friend to my staff and me. I am pleased to be a co-sponsor of Senate Resolution 272 which Senator DOMENICI introduced on Tuesday of this week. It expresses what we all feel for this lovely person and the work she has done for the Senate. We are fortunate to know her.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2237 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

McCain/Feingold amendment No. 3554, to reform the financing of Federal elections.

AMENDMENT NO. 3554

The PRESIDING OFFICER. The time between 10 a.m. and noon is to be equally divided between the Senator from Arizona, Mr. MCCAIN, and the Senator from Washington, Mr. GORTON, on amendment No. 3554.

Mr. MCCONNELL. Mr. President, I ask unanimous consent to be allowed to control the time of Senator GORTON.

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

Mr. MCCONNELL. I yield to the distinguished Senator from Alaska such time as he may need.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my colleague from Kentucky, who has labored in the area of campaign finance for an extended period of time, whose expertise many of us depend upon because once again this Senate is being called upon to reform our campaign finance laws.

As with many issues, the issue of so-called reforming the laws is somewhat in the eyes of the beholder. As a consequence, I ask my colleagues to consider this legislation in perhaps a different context. The issue before this body, in my opinion, is simply: To what extent, if any, should the Federal Government regulate political free speech in America? The campaign finance debate is not just about politicians and their campaigns. At the core of this debate are the values and freedoms guaranteed by the first amendment. As a consequence, I suggest when Government attempts to place limitations on speech, it has an overwhelming burden to demonstrate why such restrictions to our fundamental freedoms are necessary. Surely the Government can no more dictate how many words a newspaper can print than it can limit a political candidate's ability to communicate with his or her constituents, yet that is precisely what the sponsors of this legislation are proposing for candidates for office.

The McCain-Feingold legislation bristles with over a dozen different restrictions on speech, provisions that I believe flagrantly violate the first amendment as interpreted by the Supreme Court. I cannot overemphasize the point that was made by George F. Will in a Washington Post editorial. He stated, commenting on the McCain-Feingold bill:

Nothing in American history—not the left's recent "campus speech codes," nor the right's depredations during the 1950s McCarthyism or the 1920 "red scare," not the Alien and Sedition Acts of the 1790s—matches the menace to the First Amendment posed by campaign "reforms" advancing under the protective coloration of political hygiene.

One of the most serious problems with this bill is that it contains restrictions on "express advocacy" within 60 days of an election by independent groups. And what is "express advocacy"?

Mr. President, if this proposal ever becomes law, we can change the name of the Federal Election Commission to the Federal Campaign Speech Police. Every single issue advertisement would be taped, reviewed, analyzed, and perhaps litigated. The speech police will set up their offices in all of the 50 States to ensure the integrity of political advertising. Is that what we in this Chamber really want? I don't think so. But that is what will eventually happen if we adopt McCain-Feingold.

I assure my colleagues, and hope they understand, that this wholesale encroachment on the first amendment would be immediately struck down by the courts as unconstitutional.

Moreover, if a group of citizens decide to pool their money and advocate their political position in newspaper advertisements and television ads, what right does the Federal Government have to restrict their right of speech? Indeed, do we want to turn over the debate on political issues to the owners of the broadcast stations, the owners of the newspapers, and the editorialists during the 60-day period leading up to an election? Would my colleagues who are supporting this bill be ready to stand up and vote to ban election editorials in newspapers and on television in the last 60 days of a campaign?

Many members of the public think we need fundamental changes to our election financial laws because in the 1996 Presidential election they witnessed the most abusive campaign finance strategy ever conceived in this country.

There is an answer to those who abuse power. And the answer does not mean you have to shred the first amendment. The answer is a very simple one. It is that our current election finance laws must be strictly enforced, something that this administration has been extremely reluctant to do for obvious reasons.

Mr. President, as grand jury indictments amass with regard to Democratic fundraising violations in the 1996 Presidential election, we learn more and more about President Clinton's use of the prerequisite of the Presidency as a fundraising tool. It is important to recall some of those abuses as we consider this debate.

You recall, Mr. President, the Lincoln bedroom. During the 5 years that President Clinton has resided in the White House, an astonishing 938 guests have spent the night in the Lincoln bedroom and generated at least $6 million for the Democratic National Committee.

Presidential historian Richard Norton Smith stated there has "never been anything of the magnitude of President Clinton's use of the White House for fundraising purposes * * * it's the selling of the White House."

The Presidential coffees: President Clinton hosted 103 "Presidential coffees." Guests at these coffees, which included a convicted felon and a Chinese businessman who heads an arms trading company, donated $27 million to the Democratic National Committee.

President Clinton's Chief of Staff, Harold Ickes, gave the President weekly memorandums which included projected moneys he expected at each of the "Clinton coffees" and what they would raise. He projected each would raise no less than $400,000.

In the area of foreign contributions, investigations by both the Senate Governmental Affairs Committee and the Department of Justice into campaign

abuses into the 1996 Presidential campaign have revealed that the Democrats recklessly accepted illegal foreign donations in exchange for Presidential access and other favors.

A few examples: We recall John Huang. John Huang raised millions of dollars in illegal foreign contributions for the Democratic National Committee which the DNC has already returned.

John Huang, despite being wholly unqualified according to his immediate boss, received an appointment to the Department of Commerce where he improperly accessed numerous classified documents pertaining to China.

John Huang made at least 67 visits to the White House, often meeting with senior officials on U.S. trade policy. The committee had deemed that this was unusual because Huang's position in Commerce was at a very low level.

Senator SPECTER stated that the activities of Mr. Huang at the Commerce Department had "all the earmarks of * * * espionage."

Charlie Trie, a long-time friend of President Clinton, raised and contributed at least $640,000 in contributions to the Clinton, Gore Campaign and for the Democratic National Committee.

Shortly thereafter, President Clinton signed an Executive Order that increased the size of the U.S. Commission on Pacific Trade and then appointed Mr. Trie to the Commission.

On January 29th of this year, the Department of Justice indicted Trie on charges that he funneled illegal foreign contributions to the 1996 Clinton-Gore reelection campaign in order to buy access to top Democratic Party and Clinton administration officials.

Vice President GORE was present at an event in a Buddhist temple where $80,000 in contributions to the Democratic National Committee were laundered through penniless nuns and monks.

Vice President GORE offered differing characterizations of the Buddhist temple event. First, the Vice President described the event as a "community outreach." He later characterized it as a "donor-maintenance" event where "no money was offered or collected or raised at the event."

However, the Department of Justice determined otherwise. So on February 18, veteran Democratic fundraiser Maria Hsia was charged in a six-count indictment by the Department of Justice for her part in raising the illegal contributions for the Democratic National Committee at the Buddhist temple event.

Mr. President, just the day before yesterday, our Attorney General ordered a 90-day inquiry into whether President Clinton circumvented Federal election laws in 1996. This investigation could lead to yet another independent counsel investigation. This 90-day inquiry is in addition to an inquiry focusing on Vice President GORE's statements about his 1996 telephone fundraising calls in the White House.

Mr. President, our current campaign finance system has many flaws, but the point I want to make to my colleagues is that these flaws do not justify shredding the first amendment, especially because the current occupant of the White House pushed the envelope of legality in his search to finance his reelection campaign.

Mr. President, as Floyd Abrams, a noted first amendment lawyer, has stated:

> First amendment principles should guide whatever legislative solution we choose. The first principle is that it is not for Congress to decide that political speech is some sort of disease that we must quarantine.

Mr. President, I urge my colleagues to reject this unconstitutional infringement on free speech.

I yield the floor.

Mr. MCCONNELL. I thank the Senator from Alaska for his outstanding speech and his contributions over the years to this important first amendment discussion.

Mr. MURKOWSKI. Thank you very much.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. There was some discussion yesterday on the floor with regard to the issue of advocacy about a case called Furgatch. And the supporters of McCain-Feingold spent a lot of time trying to interpret the Furgatch decision as allowing the kind of suppression of issue advocacy by citizens that I think clearly is a misreading of the case.

Those who advocate McCain-Feingold and, for that matter, the Snowe-Jeffords substitute regulatory regimes, have precious few court cases on which to base their arguments. Most prominent among these is the ninth circuit's Furgatch decision, dating back to 1987. It is mighty slim, Mr. President, the Furgatch limb upon which their issue advocacy regulation case rests.

While Furgatch is not my favorite decision, it is certainly not the blank check for reformers who seek to shut down issue advocacy, either.

Furgatch was an express advocacy case, nothing short. It was about a different subject. It was an express advocacy case, not an issue advocacy case. It hinged on the content of the communication at issue—words, explicit terms—just as the Supreme Court required in Buckley and reiterated in Massachusetts Citizens for Life.

The words in Furgatch were not those contained in Buckley's footnote 52. Indeed, no one, least of all the Supreme Court, ever intended that the list—also known as "footnote 52"—was exhaustive. That would defy common sense.

Desperate for even the thinnest constitutional gruel upon which to base their regulatory zeal to extend their reach to everyone who dares to utter a political word in this country, the FEC leapt at Furgatch and won't let go. FEC lawyers misread it, they also misrepresent it, and are rewarded with loss after loss in the courts.

In last year's fourth circuit decision ordering the FEC to pay one of its victims, the Christian Action Network's attorneys' fees, the Furgatch-as-blank-check-for-issue-advocacy-regulation fantasy was thoroughly dissected, debunked and dispensed with.

The court in the Christian Action Network case puts Furgatch in the proper perspective. Let me just read a couple of parts of the Christian Action Network case.

The court says:

> . . . less than a month following the Court's decision in [Massachusetts Citizens for Life], the Ninth Circuit in FEC v. Furgatch . . . could not have been clearer that it, too, shared this understanding of the Court's decision in Buckley. Although the court declined to "strictly limit" express advocacy to the "magic words" of Buckley's footnote 52 because that footnote's list does "not exhaust the capacity of the English language to expressly advocate election or defeat of a candidate . . .
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> Curiously, the Ninth Circuit never cited or discussed the Supreme Court's opinion in [Massachusetts Citizens for Life], notwithstanding that [Massachusetts Citizens for Life] was argued in the Supreme Court three months prior to the decision in Furgatch and decided by the Court almost a month prior to the Court of Appeals' decision. The Ninth Circuit does discuss the First Circuit's opinion in [Massachusetts Citizens for Life], but without noting that certiorari had been granted to review the case. . . . Thus, the Furgatch court relied upon Buckley alone, without the reaffirmation provided by the Court in [Massachusetts Citizens for Life], for its conclusion that explicit "words" or "language" of advocacy are required if the Federal Election Campaign Act is to be constitutionally enforced.
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> . . . the entire premise of the court's analysis was that words of advocacy such as those recited in footnote 52 were required to support Commission jurisdiction over a given corporate expenditure.

The point here is that in case after case after case the FEC has lost in court seeking to restrict the rights of individual citizens to engage in issue advocacy. There is no basis for this effort. And the courts have been turning them down and turning them down and turning them down. In fact, there have been three cases in the last few months: North Carolina Right to Life versus Bartlett, April 30, 1998, an issue advocacy case decided consistent with the observations the Senator from Kentucky has made; Right to Life of Duchess County versus FEC, June 1, 1998 of this year, another decision consistent with the points the Senator from Kentucky has made; and Virginia Society of Human Life versus Caldwell, June 5 of this year.

In short, there is no constitutional way—and importantly, we are not

going to do that by passing this unfortunate legislation—but there is no constitutional way that the government can shut these people up at any point, up to and including the election. There is no legal basis, no constitutional basis for the assumption that there are any restrictions that can be placed upon the ability of citizens to criticize elected officials, or anyone else for that matter, up to and including the day before the election.

Finally, let me say, as I mentioned yesterday, the institutions in America pushing the hardest for these restrictions on groups are the newspapers who engage in issue advocacy every day, both in their news stories and on their editorial pages, up to and including the election. Their issue advocacy would be totally untouched, and I am not arguing that we should touch it. I think they are free to speak. What bothers me about the newspapers, particularly the New York Times, the Washington Post and USA Today, they want to shut everybody else up. They want to have a free ride when it comes to criticizing political figures in proximity to an election. Fortunately, the courts would not allow that.

This measure is not going to pass so we won't have to worry about it, but it is a flawed concept, and I think it is important for our colleagues to understand that.

How much time do I have?

The PRESIDING OFFICER. The Senator from Kentucky has 39 minutes remaining.

Mr. McCONNELL. I reserve the remainder of my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent I be allowed to control the time on our side.

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

Mr. FEINGOLD. Mr. President, I want to just take a moment of the time to point out that once again a case that the Senator from Kentucky has been discussing is a case that is appropriate in some situations but is not really applicable to the current provision of the McCain-Feingold bill that is before the body. The Senator can stand up and cite all kinds of cases about a lot of provisions, but the provisions are not in the bill at this time. So I hope those who are listening don't get confused about case law that has nothing to do with our actual amendment.

Previous versions of the McCain-Feingold bill included a codification of the Furgatch decision, but with the passage of the Snowe-Jeffords amendment in February, the provision that we have before the Senate now simply doesn't include that approach. It takes a different approach to the issue advocacy problem. A number of constitutional scholars, including Dan Ortiz of Virginia Law School, believe this approach is constitutional.

I understand the strategy—keep bringing up aspects of the bill that were concerns in the past, make people think those are still there and get people to be uncomfortable with the bill. I understand the strategy because we have 52 votes already for this amendment as it actually is being presented. So that everyone understands, these are arguments against a bill that is not before the Senate. I assume that is because they don't have very strong arguments against the bill that is, in fact, before the Senate.

This afternoon we will vote once again on the McCain-Feingold campaign finance reform bill. Twice before we have debated this issue and twice we have been blocked by filibusters—I might add, not just by filibusters conducted after an amending process has occurred, but filibusters used to prevent the legitimate and normal process of allowing Members of the Senate to amend a bill.

Some may ask, Why do you keep bringing us back to vote on it? The reason, quite simply put, is that this is a crucial issue. It is a defining issue for the 105th Congress. After all, we spent an entire year investigating the campaign finance abuses of the 1996 elections. That investigation, as the distinguished Senator from Tennessee who led the investigation I am sure will tell us when he speaks today, showed beyond a shadow of doubt that reform is needed. Of course, in response to that, the House has passed a strong campaign finance reform bill, very similar to the amendment we have offered here.

We owe it to the American people to finish the job. The American people elected us to be legislators, Mr. President, not just investigators. Investigations are fine and appropriate, but we will have failed in our duties as legislators if we do not enact laws to address the problems that our investigations uncover. With the House vote early last month, meaningful campaign finance reform is in sight. This Senate has an obligation to address the campaign finance issue, and the public expects us to act. We know that a majority here understands that obligation. The question is whether we can get closer now to the supermajority of 60 votes that we apparently will still need in order to end debate on this amendment and get to a vote on the merits.

I hope that in the short time we have to debate this issue today we will actually debate our amendment, what is before the Senate. Again, yesterday we heard a number of opponents of the bill speak at length about cases that have nothing to do with the provisions that are actually in this bill. We heard a lengthy discussion of the history of campaign spending, with interesting, but really not very relevant, expositions about donors to an unsuccessful Presidential campaign 30 years ago.

I really hope we hear an actual justification from those on the other side today, an actual justification for voting against a ban on the unlimited corporate and labor contribution to political parties known as soft money. I hope that when they wax eloquent again about the first amendment rights of citizens, they will actually direct their criticism to our bill, to the Snowe-Jeffords amendment on electioneering communications, rather than severely exaggerating the effect and intent of those provisions.

To no one's surprise, the headlines this morning in the newspapers are not about campaign finance reform. The scandal that has occupied the Nation's attention for the past 8 months has reached a new and critical phase with the delivery of the Starr report to the House of Representatives. Many Senators are understandably very much concerned about how the impeachment process will play out. But for now, the report is on the other side of the Capitol. We still have a job to do here. We have many things to do here. But first on the list has got to be to somehow address the scandals that occupied our attention for much of 1997. Of course, the matters of 1998 have to be addressed, but are we just going to leave the scandals of 1996 behind, let them be washed away as if nothing wrong was done?

The biggest threat to our democracy still comes from this out-of-control campaign finance system, notwithstanding the very serious news of the day. Let us not be distracted from our duty to address that threat.

There are many Senators who support reform who would like to speak today, and our time is limited. So let me conclude by putting my colleagues on notice. The vote this afternoon on cloture will not be the end of the effort to pass campaign finance reform this year. I am sorry if this is an issue that is inconvenient or uncomfortable for some Senators to deal with. The American people didn't send us here for our convenience or for our comfort. They sent us to do a job, and we are going to do it.

This amendment that is pending will continue to be pending. I hope it will become the subject of a legitimate legislative process. What I mean by that is, when there is an amendment that has a majority of support in this body, at the bare minimum Senators should be allowed to offer amendments, offer their ideas and their concepts about how to make it better. I understand the argument that you need 60 votes to pass it anyway. That has a lot of truth to it. But this process has repeatedly and cynically denied us the chance to simply amend the bill. That is how they passed it in the House. Everybody didn't love the bill right away. They

adopted a number of amendments. They were allowed to offer their ideas and vote on them.

We have been prohibited from improving this bill beyond the Snowe-Jeffords amendment. Of course, we know why. When we did Snowe-Jeffords, lo and behold, we got three more votes and we had a majority. Then the game was declared over. That is not a legitimate legislative process. That is not a fair process. That is the intentional denying of the majority of both Houses their right to fashion a bill that they can send on to the President. So I am not denying the right to filibuster. But denying the right to amend this amendment is well beyond the norm in this body, especially when we have demonstrated that 52 Senators are already committed to this amendment as it currently stands. So they continue to deny the majority even the right to make a reasonable change, to ask each other, "What change would you like in order to make this bill acceptable to you?" I think that is highly inappropriate.

So the only way to avoid this discomfort is for Members to vote for cloture and let the majority do its will on this issue.

Mr. President, if the Senator from Maine is interested, I will yield to her. How much time does the Senator need?

Ms. SNOWE. I need 15 minutes.

Mr. FEINGOLD. I yield 15 minutes to the distinguished senior Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. SNOWE. Mr. President, I rise today in support of the McCain-Feingold campaign finance amendment before us. It is often said that when it comes to the important things in life, we don't get a second chance. Well, today, we are presented with such a second chance this year to pass comprehensive, meaningful campaign finance reform. We have a third chance this Congress, for which I thank Senators MCCAIN and FEINGOLD for their unflagging determination. I also want to thank the majority leader for allowing us an opportunity to have another vote on this issue on the Interior appropriations bill.

Indeed, it seems, to paraphrase Mark Twain, that reports of campaign finance reform's demise have been greatly exaggerated. I hail authors of the House bill for their tenacity and the Members of the House who defied conventional wisdom and passed a comprehensive reform bill along the lines of McCain-Feingold.

We are back here to attach this legislation to this appropriations bill because the House of Representatives courageously chose to do their part to dispel the cynicism that hung over the Capitol like a cloud. They have brought this issue out into the light of day, and it is long past time that we here in the Senate do likewise.

When you consider the veritable mountain, indeed, the sheer cliff wall of legislative obstacles the Shays-Meehan bill had to overcome, it is unthinkable that we cannot overcome our hurdles in this Chamber. It was truly a "long and winding road" for the Shays-Meehan bill which, at first, wasn't even going to be considered. Finally, when the drumbeat for the Shays-Meehan bill would not die, a process was devised that would allow for the consideration of 11 different plans and more than 250 amendments.

The so-called "Queen of the Hill" contest played itself out from May 21 through August 6. But in the end, when the smoke finally cleared, the Shays-Meehan bill remained standing in what has to be one of the most remarkable legislative victories in recent memory.

By a vote of 252–179—including 61 Republicans—Shays-Meehan was passed in the House in the face of overwhelming odds and, thus, our mandate was handed to us here in the Senate.

Like the House, we, too, have a majority who are already on record in favor of reform—52 Senators—thanks to the leadership of Senators MCCAIN and FEINGOLD in bringing this legislation to the floor earlier this year. Unlike the House, we have twice failed to pass a bill. We have twice failed to reach the 60 votes necessary to defeat a filibuster. But for the very first time, as a result of the McCain-Feingold vote we had earlier this year, we received a majority in support of that legislation—the very first campaign finance reform bill to receive a majority vote here in the U.S. Senate.

Mr. President, I cannot believe there aren't eight other Senators in this body who understand the fundamental issue we are faced with: the very integrity of this institution, as well as the process that brings us here. When the House of Representatives can get a bipartisan majority of 252 Members to understand the implications, people might wonder why it is so hard to find eight more Senators to do the same. I have asked the same question myself.

Last week, Senator LIEBERMAN, during a widely and deservedly praised speech, stood in this Chamber and appealed to a higher principle than partisanship or the politics of self-preservation. He wasn't speaking of election reform, but his appeal to our more noble instincts is relevant to this debate. In fact, it is integral.

Reforming our broken campaign system is not a Republican thing, not a Democrat thing, but the right thing. It is something we owe to ourselves as leaders, it is something we owe to this institution, and it is something we owe to the American people as participants in the world's greatest democracy.

I know that some have said that the American people actually aren't very concerned about this issue. They point to studies, such as a poll conducted this year by the Pew Research Center, which ranked campaign reform 13th on a list of 14 major issues. But let's look at the reason: The report also said that public confidence in Congress to write an effective and fair campaign law had declined. In other words, the American people have given up on us. They are betting we won't do it. That is a sad commentary. I say, let's surprise them and do the right thing. I say, we have a solemn obligation not to justify their cynicism.

And to those who argue that now is not the time to take up this issue, my response is: What better time than now? This is the most optimum time to change the political dynamic today.

After an election in which the most corruptive elements were brought to bear, after we learn of illegal donations from the Chinese in an attempt to gain influence, after we learn of more than 45 fundraising calls from the White House, after we learn that the President may have controlled advertising paid for by the DNC but aimed at reelecting the President, after the Attorney General launched three separate preliminary investigations in the last 2 weeks into these allegations, after we learn of the explosion of soft money and electioneering ads—after all of these things, now is the time to clean up the system.

Mr. President, I come to this debate as a veteran supporter of campaign finance reform. As someone who has served on Capitol Hill for almost 20 years, I understand the realities and I know there are concerns on both sides of the aisle that whatever measure we may ultimately pass, it must be fair, it must treat everyone as equitably as possible.

In fact, I agree with those concerns. That is the challenge that brought Senator JEFFORDS and me to the table last October when we first attempted to consider this issue. It is what brought us back in February, and it is the reason I am here again today.

I said last year that we should be putting our heads together, not building walls between us with intractable rhetoric and all-or-nothing propositions. Senator JEFFORDS and I attempted to bridge the gulf between two sides and expand support for McCain-Feingold by making sensible incremental changes.

We were joined in this bipartisan effort by both Senators MCCAIN and FEINGOLD, as well as Senators LEVIN, CHAFEE, LIEBERMAN, THOMPSON, COLLINS, BREAUX, and SPECTER.

I thank them again for their tremendous help and support.

Together we not only won adoption of the amendment, but we helped bring this body to the first real vote on campaign finance reform and moved the debate forward by actually having the debate, and we solidified majority support for McCain-Feingold.

I would like to take a few moments to speak about the provisions of the Snowe-Jeffords measure and why I think this measure is now considered worthy of the support of my Republican colleagues.

The McCain-Feingold measure we are now considering takes a tremendous step forward by putting an end to soft money, tightening coordination definitions, and working to level the playing field for candidates facing opponents with vast personal wealth spent on their own campaigns. It also addresses the issues concerning the use of unregulated and undisclosed advertising that affects Federal elections, and the concerns that the original bill's attempt at addressing this issue would not withstand court scrutiny. This is important because if the courts had ruled the bill's efforts to address the distinction between true advocacy ads that influence Federal elections to be unconstitutional, then essentially all that would remain would be a ban on soft money. If that were to happen, we would be left with only one-half of the equation, and I share the concerns of those who want to see balanced reform—and a level playing field, not throw it even further off kilter.

The Snowe-Jeffords approach would be much more likely to pass court muster. It was developed in consultation with noted constitutional scholars and reformers such as Norm Ornstein of the American Enterprise Institute and Josh Rosenkrantz, Director of the Brennan Center for Justice at NYU, as well as others. And it goes to the heart of the "stealth advocacy ads" which purport to be only about issues but are really designed to influence the outcome of federal elections.

Mr. President, I ask unanimous consent that the document from the Brennan Center for Justice be printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Ms. SNOWE. Mr. President, the approach in this amendment is a straightforward, two tiered one that only applies to advertisements that constitute the most blatant form of electioneering. It only applies to ads run on radio or television, 30 days before a primary and 60 days before a general election, that identify a federal candidate. And only if over $10,000 is spent on such ads in a year. What is required is disclosure of the ads' sponsor and major donors, and a prohibition on the use of union dues or corporate treasury funds to finance the ads.

We called this new category "electioneering ads". They are the only communications addressed, and we define them very narrowly and carefully.

If the ad is not run on television or radio; if the ad is not aired within 30 days of a primary or 60 days of a general election, if the ad doesn't mention a candidate's name or otherwise identify him clearly, if it isn't targeted at the candidate's electorate, or if a group hasn't spent more than $10,000 in that year on these ads, then it is not an electioneering ad.

If is an item appearing in a news story, commentary, voter guides or editorial distributed through a broadcast station, it is also not an electioneering ad. Plain and simple.

If one does run an electioneering ad, two things happen. First, the sponsor must disclose the amount spent and the identity of contributors who donated more than $500 to the group since January 1st of the previous year. Right now, candidates have to disclose campaign contributions over $200—so the threshold contained in McCain-Feingold is much higher. Second, the ad cannot be paid for by funds from a business corporation or labor union—only voluntary contributions.

The clear, narrow wording of the amendment is important because it passes two critical first amendment doctrines that were at the heart of the Supreme Court's landmark Buckley versus Valeo decision: vagueness and overbreadth. The rules of this provision are clear. And the requirements are strictly limited to ads run near an election that identify a candidate—ads plainly intended to convince voters to vote for or against a particular candidate.

Nothing in this provision restricts the right of any group to engage in issue advocacy. Nothing prohibits groups from running electioneering ads, either. Let me be clear on this: if this bill becomes law, any group running issues ads today can still run issue ads in the future, with no restrictions on content. And any group running electioneering ads can still run those ads in the future, again with absolutely zero restrictions on content.

So to those who will argue, as they did in February, that this measure runs afoul of the first amendment, I say that that is simply a red herring, Mr. President. And you don't have to take my word for it. Constitutional scholars from Stanford Law to Georgia Law to Loyola Law to Vanderbilt Law have endorsed the approach that is now part of this legislation.

If anything, Mr. President, this provision underscores first amendment rights for union members and shareholders by protecting them from having their money used for electioneering ads they may not agree with, while maintaining the right of labor and corporate management to speak through PACs.

This is a sensible, reasonable approach to addressing a burgeoning segment of electioneering that is making a mockery of our campaign finance system. How can anyone not be for disclosure? How can anyone say that less information for the public leads to better elections? Don't the American people have the right to know who is paying for these stealth advocacy ads, and how much?

This problem is not going to go away, Mr. President. The year 1996 marked a turning point in American elections—make no mistake about it.

The Annenberg Public Policy Center at the University of Pennsylvania published a report this year on so-called issue advertising during the 1996 elections, and if any member of the Senate hasn't read it I recommend you get hold of a copy.

As this first chart demonstrates, the report finds that, during the 1996 elections, anywhere from $135 million to $150 million was spent by third-party organizations in the 1996 election on radio and TV ads. This totals almost one-third of the amount of money that was spent in the election; $400 million was spent by all candidates for President, U.S. Senate, and the House, but other organizations spent a third of all of the money that was spent in the last election.

Then chart two, if there is any doubt about the intent of these ads, indicates, according to the Annenberg Report, that in a study of 109 ads that were supported by 29 different organizations, almost 87 percent of those so-called issue ads referred to a candidate, and 41 percent of those issue ads were identified by the public as being "attack ads"—41 percent. Almost 87 percent of these so-called issue ads identified a candidate. That is the highest percentage recorded among a group that also included Presidential ads, debates, free-time segments, and news program organizations.

Clearly, these ads were overtly aimed at electing or defeating targeted candidates, but under current law they aren't even subject to disclosure requirements. We are only talking about those individuals who provide $500 or more to an organization that runs ads identifying a candidate 30 days before a primary and 60 days before a general election.

But let's look at the ads that I am talking about. Again, we are talking about stealth advocacy ads. First, you get the "True Issue Ad," according to the Annenberg Public Policy Center, which says that "McCain-Feingold would have no impact on True Issue Ads." It says here that it is "A True Issue Ad." It says:

> This election year, America's children need your vote. Our public schools are our children's ticket to the future. But education has become just another target for attack by politicians who want huge cuts in education programs. They're making the wrong choices. Our children deserve leaders who will strengthen public education, not attack it. They deserve the best education we can give them. So this year, vote as if your children's future depends on it. It does.

That is a true issue ad.

Look at chart four. This is what I call a "Stealth Advocacy Ad." This is what McCain-Feingold would define as "Electioneering Communications."

That is totally permissible under any of the rulings that have been made and rendered by the Supreme Court, because those distinctions can be made between electioneering and between constitutionally permitted freedom of speech.

This is a stealth advocacy ad:

Mr. X promised he'd be different. But he's just another Washington politician. Why, during the last year alone he has taken over $260,000 from corporate special interest groups. . . . But is he listening to us anymore?

That identifies a candidate.

I defy anyone to tell me with a straight face that the intent of this stealth advocacy ad is anything other than to advocate for the defeat of candidate X. That is the kind of ad that is covered by the McCain-Feingold measure.

Let me tell you something. This ad could still run. Any group in America can run any ad that they want before the election identifying a candidate. But the fact is it would require disclosure of those donors who provide more than $500 to that organization, if these ads run 30 days before a primary or 60 days before a general election. And the money could not be funded by unions or corporations through their treasuries. If they want to finance these ads, by unions or corporations, they will have to do so by a PAC, if these ads run 30 days before a primary and 60 days before a general election.

So what are we talking about? Disclosure. That is what we are talking about. And 87 percent of these issue ads, these so-called issue ads, are what I would call stealth advocacy ads, because they identify a candidate but we don't know who finances these ads. This, on the other hand, is a true issue ad. It doesn't identify a candidate. Groups can run ads saying: "Call your Senator. Call your Member of Congress." They don't have to identify the candidate. But if they do, it requires disclosure of their major donors.

Mr. President, we are accountable to the people. We are required as candidates for office to file disclosure forms as candidates. PACs are required to disclose. But hundreds of millions of dollars are spent on these ads without one dime being reported—not one dime. And I remind you that one-third of the money that was spent in the last election, in 1996, was spent by organizations that did not have to disclose one dime. And there is no reason to think it will not get worse.

You do not need a crystal ball. Just look at some of the special elections this year. For example, it has been widely reported that just one group spent $200,000 on special election TV commercials. We don't have the total of exactly how much was spent overall, because there is currently no accountability, no disclosure. That is what the McCain-Feingold legislation is addressing.

And think about this. Overall, national party committees raised over $115 million in soft money during the first 18 months of the 1997–1998 election cycle, the most money ever on a nonpresidential election cycle. Total soft money contributions to both Democrats and Republicans have more than doubled during the past 4 years. In fact, soft money contributions to national party committees have grown by 131 percent from the first 18 months of the 1993–1994 election cycle compared to the same period in this 1997–1998 election cycle—grown 131 percent.

Enough is enough. I have said before that it is the duty of leaders to lead, and that means making some difficult choices. I know this is not an easy vote. It requires looking at ourselves and asking what is important, protecting the status quo, or is it protecting the integrity of our system of elections?

How we choose our elected officials goes to the heart of who we are as a nation. It defines us as a country and it defines whether or not we will continue to maintain the integrity of this process. But there is a very great danger that if we do nothing, if we shroud ourselves in the rhetoric of absolutism, if we turn our backs on a monumental opportunity that we now have, then our mantle of greatness will decay from the inside, because if the American people lose faith in the system that elects our public officials, they have lost faith in the integrity of Government itself, and we cannot allow this to happen. We cannot preside over this disintegration of public trust.

Eight votes stand between us and a reform bill. Eight votes stand between us and the passage of the McCain-Feingold legislation. After two tries in the Senate, the labyrinthian parliamentary procedure, hundreds of amendments, and a "Queen of the Hill" contest in the House, all that is holding back a reform bill this year is eight Senators. This is our chance, my friends, and I implore my colleagues to seize this historic opportunity. After this vote, there will be no doubt who stands four square behind fair, sensible, meaningful reform and who does not.

Mr. President, I thank the Senator from Wisconsin for yielding me the time and for his leadership and his commitment.

I yield the floor.

EXHIBIT 1

BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW,
New York, NY, February 20, 1998.

Re NRLC objections to the Snowe-Jeffords amendment.

DEAR SENATOR: We write to rebut letters from the National Right to Life Committee (NRLC), dated February 17 and February 20, 1998, in opposition to the Snowe-Jeffords Amendment to the McCain-Feingold Bill. NRLC mischaracterizes what the Snowe-Jeffords Amendment would achieve and misrepresents constitutional doctrine. The Amendment would not restrict the ability of advocacy groups such as NRLC to engage in either issue advocacy or electioneering. But it would prevent them from (1) hiding from the public the amounts they spend on the most blatant form of electioneering; (2) keeping secret the identities of those who bankroll their electioneering messages with large contributions; and (3) funneling funds from business corporations and labor unions into electioneering. These goals, and the means used to achieve them, are constitutionally permissible.

WHAT THE SNOWE-JEFFORDS AMENDMENT WOULD DO

The Snowe-Jeffords Amendment applies only to advertisements that constitute the most blatant form of electioneering. If an ad does not satisfy every one of the following criteria, none of the restrictions or disclosure rules of the Snowe-Jeffords Amendment would be triggered: Medium: The ad must be broadcast on radio or television. Timing: The ad must be aired shortly before an election—within 60 days before a general election (or special election) or 30 days before a primary. Candidate-Specific: The ad must mention a candidate's name or identify the candidate clearly. Targeting: The ad must be targeted at voters in the candidate's state. Threshold: The sponsor of the ad must spend more than $10,000 on such electioneering ads in the calendar year.

If, and only if, an electioneering ad meets all of the foregoing criteria, do the following rules apply:

Restriction: The electioneering ad cannot be paid for directly or indirectly by funds from a business corporation or labor union. Individuals, PACs, and most nonprofits can engage in unlimited advocacy or the sort covered by the Snowe-Jeffords Amendment. The Amendment would prohibit these advocacy groups from financing their electioneering ads with funds from business corporations or labor unions. Since it is already illegal for business corporations and labor unions to engage in electioneering, these limitations are intended to prevent evasion of otherwise valid federal restrictions.

Disclosure: The sponsor of an electioneering ad must disclose the amount spent and the identity of contributors who donated more than $500 toward the ad. This requirement is necessary to prevent contributors from evading federal reporting requirements by funneling contributions intended to influence the outcome of an election through advocacy groups.

THE NRLC'S MISREPRESENTATIONS ABOUT THE SNOWE-JEFFORDS AMENDMENT

The NRLC has so completely distorted the effect of the Snowe-Jeffords Amendment with false and misleading allegations that it is important at the outset to set the record straight.

The Amendment would not prohibit groups such as NRLC from disseminating electioneering communications. Instead, it would merely require the NRLC to disclose how much it is spending on electioneering broadcasts and who is bankrolling them.

The Amendment would not prohibit NRLC and others from accepting corporate or labor funds. If it wished to accept corporate or labor funds, it would simply have to take steps to ensure that those funds could not be spent on blatant electioneering messages.

NRLC and similar organizations would not have to create a PAC or other separate entity in order to engage in the types of electioneering covered by the Amendment. Rather, they would simply have to deposit the money they receive from corporations and unions (or other restricted sources) into separate bank accounts.

The Amendment would not bar or require disclosure of communications by print media, direct mail, or other non-broadcast modes of communication. NRLC and similar advocacy groups would be able to organize their members or communicate with the public at large through mass communications such as newspaper advertisements, mass mailings, voter guides, or billboards, to the same extent currently permitted by law. There is no provision in the current version of the Snowe-Jeffords Amendment that changes any of the rules regarding those non-broadcast forms of communication.

The Amendment would not affect the ability of any organization to "urge grassroots contacts with lawmakers regarding an upcoming vote in Congress." The Amendment has no effect on a broadcast directing the public, for example, to "Urge your congressman and senator to vote against ['or in favor of'] the McCain-Feingold bill." The sponsor could even give the telephone number for the audience to call. And the ad would be free fom all the Amendment's new disclosure rules and source rules—even if the ad is run the day before the election. By simply declining to name "Congressman X" or "Senator Y," whose election is imminent and the outcome of which NRLC presumably does not intend to affect, NRLC could run its issue ad free from both the minimal disclosure rules and the prohibition on use of business and union funds.

The Amendment's disclosure rules do not require invasive disclosure of all donors. They require disclosure only of those donors who pay more than $500 to the account that funds the ad.

The Amendment would not require advance disclosure of the contents of an ad. It would require disclosure only of the amount spent, the sources of the money, and the identity of the candidate whose election is targeted.

BASIC CONSTITUTIONAL PRINCIPLES

NRLC is simply mistaken in suggesting that the minimal disclosure rules and the restrictions on corporate and union electioneering contained in the Snowe-Jeffords Amendment are unconstitutional. The Supreme Court has made clear that, for constitutional purposes, electioneering is different from other speech. See FEC v. Massachusetts Citizens for Life, 479 U.S. 238, 249 (1986). Congress has the power to enact campaign finance laws that constrain the spending of money on electioneering in a variety of ways, even though spending on other forms of political speech is entitled to absolute First Amendment protection. See generally Buckley v. Valeo, 424 U.S. 1 (1976). Congress is permitted to demand that the sponsor of an electioneering message disclose the amount spent on the message and the sources of the funds. And Congress may prohibit corporations and labor unions from spending money on electioneering. This is black letter constitutional law about which there can be no serious dispute.

There are, of course, limits to Congress's power to regulate election-related spending. But there are two contexts in which the Supreme Court has granted Congress freer reign to regulate. First, Congress has broader latitude to require disclosure of election-related spending than it does to restrict such spending. See Buckley, 424 U.S. at 67–68. In Buckley, the Court declared that the governmental interests that justify disclosure of election-related spending are considerably broader and more powerful than those justifying prohibitions or restrictions on election-related spending. Disclosure rules, the Court opined, in contrast to spending restrictions or contribution limits, enhance the information available to the voting public. Plus, the burdens on free speech rights are far less significant when Congress requires disclosure of a particular type of spending than when it prohibits the spending outright or limits the funds that support the speech. Disclosure rules, according to the Court, are "the least restrictive means of curbing the evils of campaign ignorance and corruption." Thus, even if certain political advertisement cannot be prohibited or otherwise regulated, the speaker might still be required to disclose the funding sources for those ads if the governmental justification is sufficiently strong.

Second, Congress has a long record, which has been sustained by the Supreme Court, of imposing more onerous spending restrictions on corporations and labor unions than on individuals, political action committees, and associations. Since 1907, federal law has banned corporations from engaging in electioneering. See 2 U.S.C. §441b(a). In 1947, that ban was extended to prohibit unions from electioneering as well. Id. As the Supreme Court has pointed out, Congress banned corporate and union contributions in order "to avoid the deleterious influences on federal elections resulting from the use of money by those who exercise control over large aggregations of capital." United States v. UAW, 352 U.S. 567, 585 (1957). As recently as 1990, the Court reaffirmed this rationale. See Austin v. Michigan Chamber of Commerce, 491 U.S. 652 (1990); FEC v. National Right to Work Committee, 459 U.S. 197 (1982). The Court emphasized that it is perfectly constitutional for the state to limit the electoral participation of corporations because "[s]tate law grants [them] special advantages—such as limited liability, perpetual life, and favorable treatment of the accumulation of and distribution of assets," Austin, 491 U.S. at 658–59. Having provided these advantages to corporations, particularly business corporations, the state has no obligation to "permit them to use 'resources amassed in the economic marketplace' to obtain 'an unfair advantage in the political marketplace." (quoting, MCFL, 479 U.S. at 257).

The Snowe-Jeffords Amendment builds upon these bedrock principles, extending current regulation cautiously and only in the areas in which the First Amendment protection is at its lowest ebb.

CONGRESS IS NOT STUCK WITH "MAGIC WORDS"

The Supreme Court has never held that there is only a single constitutionally permissible route a legislature may take when it defines "electioneering" to be regulated or reported. The Court has not prescribed certain "magic words" that are regulable and placed all other electioneering beyond the reach of any campaign finance regulation. NRLC's argument to the contrary is based on a fundamental misreading of the Supreme Court's opinion in Buckley v. Valeo.

In Buckley, the Supreme Court reviewed the constitutionality of the Federal Election Campaign Act (FECA). One section of FECA imposed a $1,000 limit on expenditures "relative to a clearly identified candidate," and another section imposed reporting requirements for independent expenditures of over $100 "for the purpose of influencing" a federal election. The Court concluded that these regulations ran afoul of two constitutional doctrines—vagueness and overbreadth—that pervade First Amendment jurisprudence.

The vagueness doctrine demands precise definitions. Before the government punishes someone—especially for speech—it must articulate with sufficient precision what conduct is legal and what is illegal. A vague or imprecise definition of electioneering might "chill" some political speakers who, although they desire to engage in discussions of political issues, may fear that their speech could be punished.

Even if a regulation is articulated with great clarity, it may still be struck as overbroad. A restriction that covers regulable speech (and does so clearly) can be struck if it sweeps too broadly and covers a substantial amount of constitutionally protected speech as well. But under the overbreadth doctrine, the provision will be upheld unless its overbreadth is substantial. A challenger cannot topple a statute simply by conjuring up a handful of applications that would yield unconstitutional results.

Given these two doctrines, it is plain why FECA's clumsy provisions troubled the Court. Any communication that so much as mentions a candidate—any time and in any context—could be said to be "relative to" the candidate. And it is difficult to predict what might "influence" a federal election.

The Supreme Court could have simply struck FECA, leaving it to Congress to develop a narrower and more precise definition of electioneering. Instead, the Court intervened by essentially rewriting Congress's handiwork itself. In order to avoid the vagueness and overbreadth problems, the Court interpreted FECA to reach only funds used for communications that "expressly advocate" the election or defeat of a clearly identified candidate. In an important footnote, the Court provided some guidance on how to decide whether a communication meets that description. The Court stated that its revision of FECA would limit the reach of the statute "to communications containing express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'" Buckley, 424 U.S. at 44 n.52.

But the Court emphatically did not declare that all legislatures were stuck with these magic words, or words like them, for all time. To the contrary, Congress has the power to enact a statute that defines electioneering in a more nuanced manner, as long as its definition adequately addresses the vagueness and overbreadth concerns expressed by the Court.

Any more restrictive reading of the Supreme Court's opinion would be fundamentally at odds with the rest of the Supreme Court's First Amendment jurisprudence. Countless other contexts—including libel, obscenity, fighting words, and labor elections—call for delicate line drawing between protected speech and speech that may be regulated. In none of these cases has the Court adopted a simplistic bright-line approach. For example, in libel cases, an area of core First Amendment concern, the Court has rejected the simple bright-line approach of imposing liability based on the truth or falsity of the statement published. Instead the Court has prescribed an analysis that examines, among other things, whether the speaker acted with reckless disregard for the truth of falsity of the statement and whether a

reasonable reader would perceive the statement as stating actual facts or merely rhetorical hyperbole. See, e.g., Milkovich v. Lorain Journal Co., 497 U.S. 1, 14–17 (1990). Similarly, in the context of union representation elections, employers are permitted to make "predictions" about the consequences of unionizing but they may not issue "threats." The courts have developed an extensive jurisprudence to distinguish between the two categories, yet the fact remains that an employer could harbor considerable uncertainty as to whether or not the words he is about to utter are sanctionable. The courts are comfortable with the uncertainty of these tests because they have provided certain concrete guidelines.

In no area of First Amendment jurisprudence has the Court mandated a mechanical test that ignores either the context of the speech at issue or the purpose underlying the regulatory scheme. In no area of First Amendment jurisprudence has the Court held that the only constitutionally permissible test is one that would render the underlying regulatory scheme unenforceable. It is doubtful, therefore, that the Supreme Court in Buckley intended to single out election regulations as requiring a mechanical, formulaic, and utterly unworkable test.

THE SNOWE-JEFFORDS AMENDMENT'S PROHIBITION IS PRECISE AND NARROW

The Snowe-Jeffords Amendment presents a definition of electioneering carefully crafted to address the Supreme Court's dual concerns regarding vagueness and overbreadth. Because the test for prohibited electioneering is defined with great clarity, it satisfies the Supreme Court's vagueness concerns. Any sponsor of a broadcast will know, with absolute certainty, whether the ad depicts or names a candidate, how many days before an election it is being broadcast, and what audience is targeted. There is little danger that a sponsor would mistakenly censor its own protected speech out of fear of prosecution under such a clear standard.

The prohibition is also so narrow that it easily satisfies the Supreme Court's overbreadth concerns. Any speech encompassed by the prohibition is plainly intended to convince voters to vote for or against a particular candidate. A sponsor who wishes simply to inform the public at large about an issue immediately before an election could readily do so without mentioning a specific candidate and without targeting the message to the specific voters who happen to be eligible to vote for that candidate. It is virtually impossible to imagine an example of a broadcast that satisfies this definition even though it was not intended to influence the election in a direct and substantial way. Though a fertile image might conjure up a few counter-examples, the would not make the law substantially overbroad.

The careful crafting of the Snowe-Jeffords Amendment stands in stark contrast to the clumsy and sweeping prohibition that Congress originally drafted in FECA. Unlike the FECA definition of electioneering, the Snowe-Jeffords Amendment would withstand constitutional challenge without having to resort to the device of narrowing the statute with magic words. Congress could, if it wished, apply the basic rules that currently govern electioneering to all spending that falls within this more realistic definition of electioneering. Congress could, for example, declare that only individuals and PACs (and the most grassroots of nonprofit corporations) could engage in electioneering that falls within this broadened definition. It could impose fundraising restrictions, prohibiting individuals from pooling large contributions toward such electioneering.

But, of course, the Snowe-Jeffords Amendment does not go that far. The flat prohibition applies not to advocacy groups like NRLC, but only to business corporations and labor unions—and to the sorts of nonprofits that are already severely limited in their ability to lobby. The expansion in the definition of electioneering will not constrain NRLC from engaging in grassroots advocacy or spending the money it raises from its members for electioneering purposes. An individual, any other group of individuals, an association, and most nonprofit corporations can spend unlimited funds on electioneering that falls within the expanded definition and can raise funds in unlimited amounts, so long as they take care to insulate the funds they use on electioneering from funds they collect from business corporations, labor unions, or business activities. Since all corporations and labor unions receive reduced First Amendment protection in the electioneering context—remember. they can be flatly barred from electioneering at all—the application of the new prohibition only to labor unions and certain types of corporation is certainly constitutional.

THE EXTENDED DISCLOSURE REQUIREMENT

NRLC incorrectly argues that the Snowe-Jeffords Amendment's disclosure requirements infringe on the public's First Amendment right to engage in secret electioneering. In short, there is not such right. In McIntyre v. Ohio Elections Commission, 115 S. Ct. 1511 (1995), the Court was careful to distinguish the anonymous pamphleteering against a referendum at issue in that case from the disclosure rules governing electioneering for or against a particular candidate for office that were permitted in Buckley. Similarly, NRLC improperly relies on NAACP v. Alabama, 357 U.S. 449 (1958), which recognizes a limited right of anonymity for groups that have a legitimate fear of reprisal if their membership lists or donors are publicly disclosed. NRLC, like any other group, may be entitled to an exemption from electioneering disclosure laws if it can demonstrate a reasonable probability that compelled disclosure will subject its members to threats, harassment, or reprisals. See McIntyre, 112 S. Ct. at 1524 n.21. But the need for these kinds of limited exceptions certainly do not make the general disclosure rules contained in Snowe-Jeffords unconstitutional.

Since the new prohibition in the Snowe-Jeffords Amendment does not apply to the funds of individuals, associations, or most nonprofit corporations, the First Amendment implications for them are diminished. They will simply be required to report their spending on speech that falls within the broadened definition of electioneering, just as they currently must report the sources and amounts of their independent expenditures. They would be required to disclose the cost of the advertisement, a description of how the money was spent, and the names of individuals who contributed more than $500 towards the ad. Contrary to the NRLC's claim, they will never be required to disclose in advance any ad copy that they intend to air.

The overbreadth and vagueness rules are particularly strict when applied to rules that restrict speech—such as the aspect of the Snowe-Jeffords Amendment that bars business corporations and labor unions from spending any funds on electioneering. But, as the Supreme Court has observed, disclosure rules do not restrict speech significantly. Disclosure rules do not limit the information that is conveyed to the electorate. To the contrary, they increase the flow of information. For that reason, the Supreme Court has made clear that rules requiring disclosure are subject to less exacting constitutional strictures than direct prohibitions on spending. See Buckley, 424 U.S. at 68. There is no constitutional bar to expanding the disclosure rules to provide accurate information to voters about the sponsors of ads indisputably designed to influence their vote.

CONCLUSION

The Snowe-Jeffords Amendment is a sensitive and sensible approach to regulating spending that has made a mockery of federal campaign finance laws. It regulates in the two contexts—corporate and union spending and disclosure rules—in which the Supreme Court has been most tolerant of regulation. The provisions are sufficiently clear to oversome claims of unconstitutional vagueness and sufficiently narrow to allay overbreadth concerns. The Amendment will not restrict the ability of advocacy groups such as NRLC to engage in either issue advocacy or electioneering, but it will subject their electioneering spending to federal disclosure requirements, which is constitutionally permissible.

Respectfully submitted,

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John Norton Pomeroy Professor of Law, NYU School of Law.

NORMAN ORNSTEIN,
Resident Scholar, American Enterprise Institute.

DANIEL R. ORTIZ,
John Allan Love Professor of Law, University of Virginia School of Law.

E. JOSHUA ROSENKRANZ,
Executive Director, Brennan Center for Justice at NYU School of Law.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I yield 5 minutes to the distinguished Senator from Alabama.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank Senator MCCONNELL, and I thank all Members of the body for this excellent debate on a very important issue. I suggest that there are different views about what is noble and fair and of the highest order. A jurist at one time said that to talk of justice is the equivalent of pounding on the table; everybody seems to say that their view is just and fair and wonderful. But I think there are a lot of competing principles here, and I would just like to share a few comments on this subject.

I ran in a Republican primary, had seven opponents, two of whom spent over $1 million of their own money, and the total that those seven opponents spent was some $5 million. My opponent in the general election spent

about $3 million, the Democratic nominee. But when you figure it on 4 million people in Alabama, that is about $2 per voter.

A number of the expenditures—and it irritated me at the time—were these stealth advocacy ads that have been referred to. Groups ran ads that tried to claim they were advocacy ads but in fact were aimed at me and trying to drive my numbers down and to help their candidate get elected. It irritated me, and when I got here I was irritated with some of the campaign laws. It struck me as somewhat unfair that a man could spend $1 million but I could not ask anybody for more than $1,000. So I was pretty open to reviewing that.

Since I have been here and had the time to do a little thinking about it, talking with Senator MCCONNELL and others, I have become pretty well convinced that we do not need to deregulate the institutional media, allow them to run free doing whatever they want to, and just tell groups of people, even if I don't agree with them, they can't come together, peaceably assemble and raise money and petition their Government.

That is a fundamental first amendment principle. The right to assemble peaceably and petition your Government for grievances is a right that is protected by our Constitution. In no way can we abridge freedom of speech. We have a number of cases dealing with that.

The particular Snowe-Jeffords amendment that we talked about has been touched upon in a famous case from Alabama. NAACP v. Alabama, in 1958, clearly established that groups have a right to assemble and they do not have to reveal the names of individuals who have contributed to them.

They said: Well, we don't want to demand that of everybody, just if you run a campaign ad 60 days in front of a general election. Only then do we want to know who gave you money; only then do we abridge your right to free speech, because we are abridging it by saying you can't express yourself unless you tell who gave money to your organization only within 60 days of the election. That is the only time we want to do it.

So, Mr. President, I would ask, when do you want to speak out? When do people become concerned and energized about issues? I believe in my State, for example, that we had abuse of the laws of Alabama, and we had too many lawsuits and uncontrolled verdicts, and we needed tort reform. The trial lawyers of Alabama are a very aggressive group. A small group of them contribute huge sums of money. I saw recently where about seven plaintiff law firms, relatively small law firms, had given some $4 million to political campaigns in the last cycle. They spent $1 million—some of these were stealth advocacy ads aimed at me. They ran one ad against a Supreme Court Justice, the skunk ad that was voted the dirtiest ad in America.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCONNELL. Mr. President, I yield to the Senator 2 more minutes.

Mr. SESSIONS. I thank the Senator.

We have a robust democracy. People have their say. I am inclined to think this obsession with eliminating the ability of people to speak out freely in an election cycle is unwise. It does threaten the robust nature of this democracy.

I recall last year we had 30 Members here who voted to amend the first amendment to the Constitution so they could pass this kind of legislation.

I think at least they were honest enough to propose a constitutional amendment to amend the first amendment, which I thought was stunning.

But at any rate, my time has expired. I just wanted to share those comments. I thank the Senator from Kentucky.

Several Senators addressed the Chair.

Mr. MCCONNELL. If I could just thank the Senator from Alabama for his important contribution to this debate, he is a distinguished lawyer, well versed in the first amendment. I think his points were very, very well made, and I just wanted to thank him for his contribution to this debate.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I yield up to 5 minutes to another of our tremendous cosponsors and supporters of this legislation, the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today as a cosponsor of the amendment being offered by Senators JOHN MCCAIN and RUSS FEINGOLD to motivate the Senate and conclude action on campaign finance reform legislation.

Before I proceed, I would like to point something out about the decision the Senator from Alabama referenced to defend nondisclosure. The Supreme Court in that case said if the people were threatened with bodily injury or death, they did not have to disclose their names. That is hardly, I hope, the case that we have here. I hope people would not rely upon that Alabama decision to say that the present procedure that we have here, allowing people to hide themselves behind their ads, is legitimized by that decision.

I also thank the Senator from Maine, who worked very strenuously on this amendment with respect to disclosure. To me, it is incredible to think anybody can object to what we are suggesting, which is that if people put something on the air obviously aimed at candidates, we ought to know who they are. I just cannot understand how anybody can take the position that is a violation of the freedom of speech.

Also, let me congratulate the House of Representatives for passing campaign finance reform legislation shortly before the August break. This was a first step toward achieving our mutual goal of having a campaign finance system that is fair and equitable. Such a system should ensure that the electorate is fully informed and that the pool of potential candidates is not limited by financial barriers.

Earlier this year we fell eight votes short of passing the McCain/Feingold campaign finance reform legislation. During consideration of this bill an important amendment offered by Senator SNOWE and I was adopted, and I am pleased that Senators MCCAIN and FEINGOLD have included this language in the amendment we are considering today. I think it is a critical amendment. The willingness of my colleagues to include this language and the leadership of the Vermont legislature on this issue last year has convinced me that it is time to move forward and pass this amendment.

The McCain-Feingold amendment with the JEFFORDS-SNOWE language boosts disclosure requirements and tightens expenditures of certain funds in the weeks preceding a primary and general election. The last few election cycles have shown that spending has grown astronomically in two areas that cause me great concern. First, issue ads that have turned into blatant electioneering. Second, the unfettered spending by corporations and unions to influence the outcome of an election. This amendment with the Jeffords-Snowe language addresses these areas in a reasonable, equitable and last but not least, constitutional way.

Mr. President, reform of the campaign finance system is long overdue. The litany of problems and short comings of our current system is long and well known, but the full Congress has so far been reluctant to act.

Since my election to the House in the wake of the Watergate scandal, I have worked with my colleagues to craft campaign finance reform legislation that could endure the legislative process and survive a constitutional challenge. We came close in 1994, and I believe circumstances still remain right for enactment of meaningful campaign finance reform during this Congress. This belief has only been strengthened by the recent actions taken by the House.

The Senate is known for its ability to have full and complete debates on any issue, and campaign finance should be no different, but debate on this important topic should eventually reach an end. We may not agree on the solution, but we must move forward, debate the issue and ultimately reach a conclusion. Let the process run its course, let Senators offer their amendments and get their votes. But, in the end let the Senate complete consideration of this issue.

Mr. President, if Mark McGwire can hit 62 home-runs, Congress can surely pass this important legislation and hit one home-run for cleaner campaign financing. I remain hopeful that my colleagues will join me in allowing the Senate to conclude debate on this issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JEFFORDS. I yield the floor.

Mr. DOMENICI. Mr. President, the First Amendment to the Constitution mandates that Congress shall make no laws which abridge the freedom of speech. The freedom to engage in political speech is the bedrock of our democracy. We may not like what people say when they exercise their First Amendment rights, but this Senator acknowledges that everyone has the right to engage in political speech.

This bill places unconstitutional limits on the First Amendment rights of individuals, groups and even unions. The bill creates a rule which virtually prohibits any political ads by individuals, groups and unions which mention specific candidates within 60 days of an election.

That would serve to muzzle political speech at the most critical time during a campaign. Not only is this unconstitutional, it is bad policy, because it will only serve to make the media more powerful.

I have examined the provisions in this bill very carefully, and even on the slightest chance the Supreme Court would find these provisions constitutional, I ask my fellow Senators: is this good policy?

The reason I ask this question is that, in my view, when you muzzle the political speech of individuals and groups, whose voice will then carry the day?

In our zeal on both sides of the aisle to address the role of certain entities in our elections, we need to ask ourselves: what will be the consequence of restricting the free speech rights of unions, corporations and wealthy individuals to engage in campaign-related speech? In my mind, by restricting freedom of speech for these groups, we will make the media an even more powerful player in the political process.

During the 60 days prior to the election when the so called bright line rule is in effect, the only one who will be able to speak directly about the candidates will be the news media.

We all know the saying around Washington: "you shouldn't pick a fight with someone who buys paper by the ton and ink by the barrel." Because it enjoys the full protection of the First Amendment, we call the media the Fourth Estate, or the Unofficial Fourth Branch of government. The media are the "Big Opinion Makers"—they write the editorials, present the news and decide which issues deserve the attention of the American people on a daily basis.

We also know that members of the media are only human—and by that I mean that they are opinionated. Their opinion tends to lean in favor of a liberal, Democrat agenda. Recent surveys have shown that close to 90 percent of the media votes for liberal Democrat candidates. What of their independence? What about their role in the election of federal officials?

Thomas Jefferson once wrote: There are rights which it is useless to surrender to the government, but which rights governments always have sought to invade. Among these are the rights of speaking and publishing our thoughts.

This bill is a giant step toward Congress invading the rights of many to engage in political discourse and surrendering those rights to the media. In my view, you can choose McCain/Feingold or you can choose the First Amendment. I choose the First Amendment. Thank you, Mr. President.

Mr. McCONNELL. Mr. President, I yield 5 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I thank the Senator from Kentucky for the time, and particularly for the effort and information that he has participated in giving during this debate.

I am interested in the fact that our fellow Senators talk about having a discussion. How long are we going to discuss this? It seems like we have been through this every year. We have been through it three times last year; we have been through it the second time this year. I can hardly imagine that anyone can make a case that we have not had a chance to talk about this issue.

As a matter of fact, frankly, I just think we have a lot of things to do in the next 3 weeks. I hope we focus on doing those things and not continue to repeat and discuss the same things that we have done before. This subject had three failed cloture votes in 1997. This is the second cloture vote in 1998. We had the opportunity to talk about this, and under the system in the Senate which we all use, this issue has failed to be approved. Frankly, I think it will be one more time. I heard earlier that this is something that everybody in the country is clinging to and wanting to have resolved. I have not seen that. Where people are asked to list the things that are most important to them, where do you see this on the list? If at all, on the bottom.

I think the fact is times have changed. The fact is we do spend more money, perhaps too much money, but we want people to vote. We believe they should be educated, and if you do that, you do that through the public media, which is expensive. So we are changing those things a great deal.

What puzzles me a great deal—and I am not here to talk about the details; others are much more familiar with them than am I—but we find ourselves with the dilemma of having a campaign finance law in place now that we seem to be unable or unwilling to enforce, and in fact what do we want to do? We want to have more laws put on top of the ones that we are not willing to enforce now. That seems to be a real difficult thing for me to understand.

I think it would be a mistake to pile more bureaucracy, more new laws on top of the ones that we have, and then say to ourselves, "Look at all the things that were illegally done in 1997 or 1996." We haven't enforced the laws that we have. It is strange to me there is a pitch for making more laws until we do that.

I will not take much time. I do think there ought to be some changes. I certainly support the idea of strengthening and enforcing disclosure. I think disclosure ought to be there prior to the election, and I am for that. I would even probably support the amount of soft money that can be contributed. But I am also quick to understand that there are lots of ways to do it, and laws simply do not have the effect that sometimes we think they should.

So, I think most everything has been said here, but I did want to rise to say that the notion if you are not for this somehow you don't care about elections, somehow you don't care about voting, that is not true. That is not at all true. All of us want to have an open declaration of spending. We want to have disclosure. We also want to have people have the opportunity to participate as fully as they choose under the first amendment, and there are some restrictions in here.

So, we will continue to talk about this, I presume. But McCain-Feingold is not the answer, in my opinion. That doesn't mean that I don't care about elections, because I do care about them, and so do all of us. That allegation is simply not true.

Mr. President, I thank the Senator from Kentucky for the time.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the senior Senator from Wyoming for coming over and participating in the debate and for his insightful observations.

Seeing no speakers on the other side, I yield 5 minutes to the distinguished junior Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Kentucky, and I rise in opposition to the McCain-Feingold amendment to the Interior appropriations bill. Rather than "reform" the way campaigns are financed, this amendment would infringe on the first amendment rights of millions of American citizens and place enormous burdens on candidates running for office,

and one of our primary obligations here is to preserve the Constitution of the United States.

While the McCain-Feingold amendment claims to "clean up" elections, it does so by placing unconstitutional restrictions on citizens' ability to participate in the political process. We have heard several Members of the Senate bemoan the fact that various citizen groups and individuals have taken out ads criticizing them during their elections.

I must admit that I can sympathize with my colleagues who have been the object of often pointed and critical campaign ads. In fact, during my last campaign, some ads were aired against me that were downright false. I do support truth in advertising. Even that, I am told, is an infringement on freedom of speech, and the Washington Supreme Court just ruled that it is OK to lie in campaign advertising.

How do you counter that? During my campaign, my opponent ran a series of ads that said I put a tax on Girl Scout cookies. Fortunately, Girl Scout cookies were delivered during the campaign, and those poor little girls had to say, "No, he didn't put a sales tax on Girl Scout cookies." Had it not been for the delivery of those cookies, I would have had to find a lot of money to counter the false advertising done against me. If we can't get truth in advertising, we don't have campaign reform, and that is an infringement on freedom of speech.

At the same time, I believe in a free society it is essential that citizens have a right to articulate their positions on issues and candidates in a public forum. The first amendment to our Constitution was drafted to ensure that future generations will have the right to engage in public political discourse that is vigorous and unfettered. Throughout even the darkest chapters of our Nation's history, our first amendment has provided an essential protection against inclinations to tyranny.

The Supreme Court has consistently interpreted the first amendment to protect the right of individual citizens and organizations to express their views through issue advocacy. The Court has maintained for over two decades that individuals and organizations do not fall within the restrictions of the Federal election code simply by engaging in this advocacy.

Issue advocacy includes the right to promote any candidate for office and his views as long as the communication does not "in express terms advocate the election or defeat of a clearly identified candidate." As long as independent communication does not cross the bright line of expressly advocating the election or defeat of a candidate, individuals and groups are free to spend as much as they want promoting or criticizing a candidate and his or her views. While these holdings may not always be welcome to those of us running in campaigns, they represent a logical outgrowth of the first amendment's historic protection of core political speech.

Mr. President, this amendment, which parades under the disguise of "reform," would violate these clear first amendment protections. The amendment impermissibly expands the definition of "express advocacy" to cover a whole host of communications by independent organizations. The McCain-Feingold amendment attempts to expand bright-line tests for issue advocacy to include communications which, "in context," advocate election or defeat of a given candidate.

Are we comfortable with giving a Federal regulatory agency the power to determine what constitutes acceptable political speech—a Federal regulatory agency the power to determine what constitutes acceptable political speech?

This amendment gives expansive new powers to the Federal Election Commission. This is one Federal agency which has abused the power it already has to regulate Federal elections. Just last year, the Fourth Circuit Court of Appeals strongly criticized the Federal Election Commission for its "unsupportable" enforcement action against the Christian Action Network. The network's only crime was engaging in protected political speech. The Court of Appeals required the Federal Election Commission to pay the network's attorney fees and court costs since the FEC's prosecution had been unjustified. Congress should not condone flagrant administrative abuses by giving the FEC expanded new powers and responsibilities.

The McCain-Feingold substitute also includes within its new definition of "express advocacy" any communication that refers to one or more clearly identified candidates within 60 calendar days preceding an election. These provisions would allow the speech police to regulate core political speech during the most crucial part of an election cycle. They would also place an economic burden on thousands of small radio and television stations which carry those ads. I don't think we in Washington should be placing any more restrictions on America's small businesses. Our Founding Fathers drafted the first amendment to protect against attempts such as these to prohibit free citizens from entering into public discourse on issues that greatly affect them.

I cannot support legislation that stifles the free speech of American citizens and gives expanded new powers to a Federal bureaucracy. For these reasons, I must oppose the McCain-Feingold amendment. I ask my colleagues to join me in paying tribute to the first amendment and opposing the McCain-Feingold substitute and any other amendment that would unconstitutionally restrict the rights of citizens to participate in the democratic process.

I thank the Chair and yield the floor.

Mr. MCCONNELL. Mr. President, I thank my friend from Wyoming for his participation, once again, in what seems to be an endless debate. We have this periodically, and I thank my colleague from Wyoming for always coming over and making an important contribution.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 21 minutes.

Mr. MCCONNELL. I reserve the remainder of my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. Twenty-one minutes, 25 seconds.

Mr. FEINGOLD. I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. I thank my friend from Wisconsin. I commend him and Senator MCCAIN and the bipartisan group that has worked so hard to pass campaign finance reform.

A couple of nights ago, Mark McGwire hit his 62nd home run. In doing so, he defied the odds. He warmed the hearts of Americans everywhere with his grit, his determination, and his dedication. It was a shining moment for American baseball and for America. Today, we should hold him up as our example. We need to show equal grit and equal determination. We need to hit a home run for the American people by passing campaign finance reform.

To do that, we are going to have to defy the odds. The House did it; they defied the odds. They passed campaign finance reform, and now the question that we are going to face in the days ahead is whether we can. Can the Senate rise to the occasion? Or will we go with the status quo, continuing the demoralizing and debilitating money chase that now funds our election campaigns and undermines public confidence in our democracy?

Seventy-five percent of the American people want campaign finance reform. They want limits restored on contributions, real limits. They want the end of the loophole called the soft money loophole.

The House passed a strong bipartisan bill. The President is ready to sign it. A majority of the Senate supports similar legislation which is before us now. We are ready to vote to enact this legislation into law.

But instead of going to a vote on the bill, the majority leader has instead

filed a cloture motion. And what is surreal about this cloture motion is that while a cloture motion is usually intended to be a device to close debate on an issue, and to move to a vote, the Senators who signed the cloture motion in this instance do not want to end debate or go to a vote. They oppose their own petition. They hope that the pending legislation and this issue will go away. They hope the supporters of campaign finance reform will withdraw the bill because it is being filibustered.

This is an inside-out filibuster. The opponents of reform want to filibuster the reform bill without actually filibustering it. They are hoping that if supporters do not have the 60 votes to close debate, that the supporters will agree to withdraw their own amendment. I believe it would be wrong to withdraw this bill because opponents are filibustering the bill. Opponents have the right to filibuster under our rules. They have the right to filibuster. But the supporters have no obligation to help them succeed by agreeing to change the subject or by agreeing to withdraw the amendment.

This is an issue of transcendent importance. Huge contributions that come through that soft money loophole have sapped public confidence in the electoral process. The House has acted. They did what conventional wisdom said could not be done. They passed a bill with meaningful campaign finance reform to close the soft money loophole. Our colleague from Kentucky said that when the House passed reform and sent it over here, that the bill and reform was dead on arrival, DOA. Well, it was not. The struggle for life for campaign finance reform will be determined by a test of wills between a bipartisan majority who support campaign finance reform and the minority that is filibustering in opposition to campaign finance reform.

But campaign finance reform is not dead on arrival. It is struggling for life here on the Senate floor in a kind of a titanic struggle which has existed with prior legislation of this importance, legislation which has such meaning to the country that both its supporters and its opponents are willing to test their strength. Opponents filibustering, as is their right, but supporters not yielding to that filibuster, as is our right.

So just as the House defied the odds by passing a bill, just like Mark McGwire defied the odds by hitting home run No. 62, now it is our turn at bat. The American public is waiting for us to step up to the plate and to fight for campaign finance reform. And that is what our intention is. Again, I commend the bipartisan group that has led this effort. It is a vital effort for the well-being of democracy in this country. It is worth fighting for.

I thank the Chair and I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will not submit for the record the 400 campaign finance reform editorials from 196 newspapers across America that have been published just since March 30, 1998.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of those newspapers that published editorials, 196 newspapers. It is about a four-page document. I will not ask that the editorials be put in the RECORD.

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

Attached are more than 400 campaign finance reform editorials from 196 newspapers. These editorials have been published since March 30, 1998:

Aiken Standard, Aiken, SC
Akron Beacon Journal, Akron, OH (3)
Times Union, Albany, NY
Albuquerque Journal, Albuquerque, NM
The Morning Call, Allentown, PA (3)
The Ann Arbor News, Ann Arbor, MI
USA Today, Arlington, VA (5)
The Atlanta Constitution, Atlanta, GA (3)
The Atlanta Journal, Atlanta, GA (2)
Kennebec Journal, Augusta ME
Beacon-News, Aurora, IL
Austin American-Statesman, Austin, TX (4)
The Sun, Baltimore, MD
The Bango Daily News, Bango, ME
The Times Argus, Barre, VT
The Herald-Palladium, Benton Harbor-St. Joe, MI
The Birmingham News, Birmingham, AL (2)
the Birmingham News-Post Herald, Birmingham, AL
The Boston Globe, Boston, MA (10)
Boston Herald, Boston, MA (4)
The Christian Science Monitor, Boston, MA (3)
Connecticut Post, Bridgeport, CT (4)
Bridgeton Evening News, Bridgeton, NJ
The Courier-News, Bridgewater, NJ
The Times Record, Brunswick, ME
The Buffalo News, Buffalo, NY (3)
Cadillac News, Cadillac, MI (4)
The Repository, Canton, OH (2)
The Charleston Gazette, Charleston, WV
The Charlotte Observer, Charlotte, NC (2)
Chattanooga Free Press, Chattanooga, TN
The Chattanooga Times, Chattanooga, TN
Press Register, Clarksdale, MS
The Leaf-Chronicle, Clarksville, TN
The Bolivar Commercial, Cleveland, MS
The Brazosport Facts, Clute, TX
The State, Columbia, SC (2)
Columbus Ledger-Enquirer, Columbus, GA
Concord Monitor, Concord, NH
The Dallas Morning News, Dallas, TX
The News-Times, Danbury, CT (5)
Dayton Daily News, Dayton, OH
Daytona Beach News Journal, Daytona, FL
The Denver Post, Denver, CO (3)
Detroit Free Press, Detroit, MI (4)
The Dubuque Telegraph Herald, Dubuque, IA
The Duncan Banner, Duncan, OK
The Home News & Tribune, East Brunswick, NJ (3)
The Express-Times, Easton, PA
The Courier News, Elgin, IL
Star-Gazette, Elmira, NY
The Evansville Press, Evansville, IN (3)
The Journal Gazette, Fort Wayne, IN (2)
Fort Worth Star-Telegram, Fort Worth, TX (6)
The Middlesex News, Framingham, MA (2)
The Gainesville Sun, Gainesville, FL (5)
Great Falls Tribune, Great Falls, MT
Greenville Herald-Banner, Greenville, TX
Greenwich Time, Greenwich, CT
The Greenwood Commonwealth, Greenwood, MS
The Record, Hackensack, NJ (4)
The Patriot-News, Harrisburg, PA
The Hartford Courant, Hartford, CT (10)
The Daily Review, Hayward, CA
The Times-News, Hendersonville, NC (2)
Hood River News, Hood River, OR
Houston Chronicle, Houston, TX (2)
Register-Star, Hudson, NY
The Post Register, Idaho Falls, ID
Jackson Citizen Patriot, Jackson, MI
The Clarion-Ledger, Jackson, MS (2)
The Jackson Sun, Jackson, TN (2)
The Jopin Globe, Joplin, MO
The Kansas City Star, Kansas City, MO (5)
Lake City Reporter, Lake City, FL (2)
The Ledger, Lakeland, FL (5)
The Lakeville Journal, Lakeville, CT
Las Cruces Sun-News, Las Cruces, NM
Bucks County Courier Times, Levitttown, PA
Lexington Herald Leader, Lexington, KY (5)
The Express, Lock Haven, PA
Lodi News-Sentinel, Lodi, CA
Newsday, Long Island, NY (2)
Los Angeles Times, Los Angeles, CA (8)
The Courier-Journal, Louisville, KY (3)
Lubbock Avalanche-Journal, Lubbock, TX (2)
The Lufkin Daily News, Lufkin, TX
The News & Advance, Lynchburg, VA
The Capital Times, Madison, WI (3)
Journal Inquirer, Manchester, CT
The Marietta Times, Marietta, OH (2)
Chronicle-Tribune, Marion, IN
The Times Leader, Martins Ferry, OH
Enterprise-Journal, McComb, MS
The Daily News, McKeesport, PA (3)
Florida Today, Melbourne, FL (2)
The Commercial Appeal, Memphis, TN
Milford Daily News, Milford, MA
Millville News, Millville, NJ
Milwaukee Journal Sentinel, Milwaukee, WI
Star-Tribune, Minneapolis, MN (4)
The Macomb Daily, Mount Clemens, MI
The Muskogee Daily Phoenix & Times-Democrat, Muskogee, OK
The Sun News, Myrtle Beach, SC
The Napa Valley Register, Napa, CA
The Broadcaster, Nashua, NH
The Tennessean, Nashville, TN
The Day, New London, CT
New York Daily News, New York, NY (2)
The New York Times, New York, NY (33)
The Star-Ledger, Newark, NJ (4)
The New Jersey Herald, Newton, NJ (2)
The Virginian-Pilot, Norfolk, VA
The Hour, Norwalk, CT
The Oakland Tribune, Oakland, CA
Ocala Star-Banner, Ocala, FL (2)
The Olympian, Olympia, WA
The Orlando Sentinel, Orlando, FL
The Paris Post-Intelligencer, Paris, TN
The Parkersburg Sentinel, Parkersburg, WV
North Jersey Herald & News, Passaic, NJ (5)
Journal Star, Peoria, IL
The Philadelphia Inquirer, Philadelphia, PA (6)
Post-Gazette, Pittsburgh, PA (2)
The Berkshire Eagle, Pittsfield, MA
Mountain Democrat, Placerville, CA
Tri-Valley Herald, Pleasanton, CA
Port Arthur News, Port Arthur, TX (3)
Maine Sunday Telegram, Portland, ME
Portland Press Herald, Portland, ME (2)
The Oregonian, Portland, OR (4)
The News & Observer, Raleigh, NC (5)
The Press-Enterprise, Riverside, CA
Roanoke Times & World-News, Roanoke, VA

Rochester Democrat & Chronicle, Rochester, NY
Rocky Mount Telegram, Rocky Mount, NC
Roswell Daily Record, Roswell, NM
The Daily Tribune, Royal Oak, MI
Today's Sunbeam, Salem, NJ
The San Antonio Express-News, San Antonio, TX (6)
The San Diego Union-Tribune, San Diego, CA (4)
San Francisco Chronicle, San Francisco, CA (3)
San Gabriel Valley Tribune, San Gabriel, CA
The San Jose Mercury News, San Jose, CA
The Telegram-Tribune, San Luis Obispo, CA
The County Times, San Mateo, CA
The Sentinel, Santa Cruz, CA (3)
The Press Democrat, Santa Rosa, CA (2)
The Tribune, Scranton, PA
The Sheboygan Press, Sheboygan, WI
The Times, Shreveport, LA
The Sioux City Journal, Sioux City, IA (3)
South Bend Tribune, South Bend, IN (2)
The Springfield State Journal-Register, Springfield, IL (3)
Union-News, Springfield, MA
Springfield News-Sun, Springfield, OH (3)
St. Louis Post-Dispatch, St. Louis, MO (2)
The Stamford Advocate, Stamford, CT
Northern Virginia Daily, Strasburg, VA
Pocono Record, Stroudsburg, PA
Sturgis Journal, Sturgis, MI
The Daily News-Sun, Sun City, AZ
The Post-Standard, Syracuse, NY (2)
Tarrentum Valley News Dispatch, Tarentum, PA (2)
Temple Daily Telegram, Temple, TX
The Terrell Tribune, Terrell, TX
The Blade, Toledo, OH
Daily Breeze, Torrance, CA
The Register-Citizen, Torrington, CT
The Times, Trenton, NJ (3)
The Arizona Daily Star, Tucson, AZ (4)
The Tullahoma News & Guardian, Tullahoma, TN (2)
Tulsa World, Tulsa, OK
Utica Observer-Dispatch, Utica, NY (2)
The Columbian, Vancouver, WA
Vincennes Sun-Commercial, Vincennes, IN
Waco Tribune-Herald, Waco, TX (3)
The Tribune Chronicle, Warren, OH
The Washington Post, Washington, DC (14)
The Waterloo Courier, Waterloo, IA (2)
Central Maine Morning Sentinel, Waterville, ME (2)
The News Sun, Waukegan, IL
Westfield News, Westfield, MA
The Palm Beach Post, West Palm Beach, FL (9)
The Reporter Dispatch, White Plains, NY (4)
Valley News, White River Junction, VT
The Wichita Eagle, Wichita, KS (2)
The Citizens' Voice, Wilkes Barre, PA
The Times Leader, Wilkes Barre, PA
The News Journal, Wilmington, DE
The Winchester Star, Winchester, VA
Winston Salem-Journal, Winston Salem, NC
The Gloucester County Times, Woodbury, NJ
The Telegram & Gazette, Worcester, MA (4)
The York Dispatch, York, PA
The York Sunday News, York, PA

Mr. McCAIN. Mr. President, I do think it is of interest that newspapers from the Aiken Standard all the way to the York Sunday News, 196 newspapers—some of them more than once; some of them as many as five or six times—have editorialized in favor of campaign finance reform.

Mr. President, one of the people that I admired and revered in many ways, and in many ways was a mentor to me when I was in a different avocation, was Senator John Tower. On March 28, 1974, Senator Tower rose to speak in favor of campaign finance reform. At that time, it was S. 3261, a bill to reform the conduct and financing of Federal election campaigns, and for other purposes.

Senator Tower gave a speech at that time, and I ask unanimous consent that this statement be printed in the RECORD.

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

[From the Congressional Record, March 28, 1974]

Mr. TOWER. Mr. President, today I am introducing the Federal Campaign Reform Act of 1974. The bill generally encompasses President Nixon's election campaign reform proposals as outlined in his message delivered to the Nation on March 8. As one package, it represents the most comprehensive set of reform proposals yet to be offered. It does not subject the political process to the abuses that would naturally flow from public financing of Federal elections as envisioned by S. 3044.

I need not dwell on the necessity for campaign reform that works. What I do wish to emphasize now are the specific ways in which this bill is in the Nation's best interest.

First, this bill requires each candidate to designate a single political committee, which would ultimately receive all contributions made in his behalf. That committee would make all expenditures by check from a designated federally chartered bank. These provisions would substantially ease the administrative burden of enforcing compliance with campaign laws.

Second, a candidate's political committee would be prohibited from accepting more than $3,000 from an individual donor in any Senate or House election, and not more than $15,000 in any Presidential election. All contributions from any kind of organization would be prohibited, except those made by national committees or political action groups.

Third, comprehensive and timely reporting and disclosure requirements are imposed upon political committees and political action groups. For example, political action groups would be required to disclose the ties their principal officers have to political parties.

Fourth, an independent Federal Election Commission is established with the independence necessary to effectuate the provisions of the bill.

Fifth, the bill provides real safeguards against express or implied intimidation or coercion used against corporate employees and union members in soliciting campaign contributions.

Sixth, specific prohibitions against so-called "dirty tricks" are provided. Such activities have no proper role to play in any campaign, and this bill successfully draws the line between constitutionally protected campaign activity, and activity which is universally recognized as intolerable.

Seventh, a shortening of Presidential campaigns, and a corresponding reduction in the costs of campaigning, are provided for by prohibiting the holding, before May 1 of an election year, of Presidential primaries or conventions at which delegates to the national nominating convention are selected.

A central theme of the bill is the restoration of the dignity and power of the individual donor to a proper role in political campaigns. For too long, big organizations have run roughshod over the wishes of their individual members. Implicit intimidation or coercion has often been used to compel contributions which cannot fairly be characterized as voluntary. Individual contributors have often been misled as to the true nature of the political action groups to whom they gave. Individuals have also felt of insignificant value in campaigns because of the enormous contributions made by many organizations.

The ascendancy of the power of faceless organizations in campaigns is unhealthy. It leads to unfair and unrepresentative influence on the part of the few who manipulate the many. Individuality is a hallmark of America that has made it great. It promotes that diversity of thought and influence so necessary to a thriving and robust democracy.

This bill dignifies and encourages each individual to participate actively in Federal elections. It assures each voter that he will not be harassed, intimidated, or misled by political action groups representing narrow and special interests. It assures each voter that his contribution will count as much as others.

I must admit that I have philosophical reservations about placing limitations on an individual's privilege to determine the amount of his personal contribution. There even might well be constitutional problems with such a congressional mandate. However, as I have previously stated, excesses can and have occurred. Thus, absent judicial reversal of the concept, such limitations are inevitable and represent a significant part of this reform package.

Mr. President, I shall consider offering this bill as a substitute amendment for S. 3044 in substantially the same form as I am introducing it today. Therefore, I urge my colleagues to review it carefully.

Mr. McCAIN. In the body of his remarks, Senator Tower said:

The ascendancy of the power of faceless organizations in campaigns is unhealthy. It leads to unfair and unrepresentative influence on the part of the few who manipulate the many. Individuality is a hallmark of America that has made it great. It promotes that diversity of thought and influence so necessary to a thriving and robust democracy.

The bill he is referring to is the campaign reform bill that was then being considered by the Senate.

This bill dignifies and encourages each individual to participate actively in Federal elections. It assures each voter that he will not be harassed, intimidated, or misled by political action groups representing narrow and special interests. It assures each voter that his contribution will count as much as others.

Mr. President, Senator Tower described the situation pretty much as it is today. Each voter does not believe that his or her contribution counts as much as others. We have seen manifestations of that in virtually every primary this season. Every voter does not believe that there is fair and representative influence on the part of the many. In fact, the voters, in recent polls that have been taken, believe that there is undue influence on the part of special interests. And I, having witnessed it myself, am convinced of it.

In 1974, on August 8, Representative Anderson said:

Under our representative system of government, the people elect fellow citizens to speak for, vote on behalf of, and represent their interests in the legislative bodies—the House and Senate—and they elect a President to administer the laws, conduct foreign affairs, and established priorities. And, I believe this to be the best system of government devised by man.

If some people, however, are given preferential treatment because of their ability and willingness to contribute large sums toward the election of an individual, then the system breaks down. If some are "more equal" than others, then our representative system fails and the interests of all the people are aborted.

And this is a very serious threat to our democracy. It is a very serious threat if the interests of the rich and powerful are placed above the interests of the weak and the poor.

Our country was founded on the principle of equality—all are equal in the eyes of the law. But, if the rich and the powerful have a greater influence on writing and administering the laws, is not equality a sham, a farce?

Mr. President, yesterday I noted a document that was put out by the Democratic National Committee in the 1996 election where a broad variety of privileges would be extended to those who contributed $100,000. One of the most egregious were seats on trade missions. These things have consequences, Mr. President. One of the ongoing controversies—in fact, we will have a hearing in the Commerce Committee next week on the transfer of technology to China being directly related to the issue of these "trade missions."

Mr. President, both parties do this. Both parties do this as far as many of these are concerned. This is a memo from the Democratic National Committee. If you want to give a contribution of $100,000 annually:

Two annual Managing Trustee Events with the President . . .

Two annual Managing Trustee Events with the Vice President.

One annual Managing Trustee Dinner with senior Administration officials.

* * * * * *

Two Annual Retreats/Issue Conferences. . . .

Invitations to Home Town Briefings

As senior Administration officials travel throughout the country, Managing Trustees are invited to join them in private, impromptu meetings.

Monthly Policy Briefings

Administration officials discuss topics ranging from telecommunications policy to welfare reform at regular Washington policy briefings to which Managing Trustees are invited.

Personal DNC Staff Contact

Each Managing Trustee is specifically assigned a DNC staff member to assist them in their personal requests. [et cetera.]

But of course the one that strikes me is:

Annual Economic Trade Missions

Managing Trustees are invited to participate in foreign trade missions, which affords opportunities to join Party leaders in meeting with business leaders abroad.

Is that equal opportunity? Could any American citizen go on these trade missions? I think it is pretty clear that if you are willing to give $100,000 annually, then indeed you can take those trade missions.

A memorandum from whoever Ann Cahill is:

To: Ann Cahill

From: Martha Phipps

RE: WHITE HOUSE ACTIVITIES

Two reserved seats on Air Force I and II trips.

Is that the way you ride on Air Force One and Two, Mr. President?—"In order to reach a very aggressive goal of $40 million this year . . . very helpful if we could coordinate the following activities between the White House and the Democratic National Committee."

Let me repeat that memorandum: ". . . coordinate the following activities between the White House and the Democratic National Committee."

Two reserved seats on Air Force I and II trips . . .

Six seats at all White House private dinners . . .

Six to eight spots at all White House events (i.e. Jazz Fest, Rose Garden ceremonies, official visits).

And in this memorandum it says who the contact is. Ann Stock seems to be a person to contact; and Alexis Herman, now Secretary of Labor.

Invitations to participate in official delegation trips abroad.

Contact: Alexis Herman . . .

Better coordination on appointments to Boards & Commissions . . .

White House mess privileges.

Patsy Thomason was the contact for that.

White House residence visit and overnight stays.

Ann Stock was the person on that.

Guaranteed Kennedy Center Tickets (at least one month in advance) . . .

Six radio address spots

Contact: David Levy . . .

Photo opportunities with the principles . . .

Phone time from the Vice President.

That was Jack Quinn's job, Mr. President, general counsel. He was responsible, he is the contact, for phone time from the Vice President. That would be the subject of some ongoing inquiry.

Ten places per month at White House film showings . . .

One lunch with Mack McLarty per month.

Boy, it makes me better understand why Mr. Mack McLarty decided to go into private life.

One lunch with Ira Magaziner . . .

I think that might be a penalty rather than a benefit.

One lunch with the First Lady per month.

I will leave that unremarked.

Use of the President's Box at the Warner Theater and at Wolf Trap . . .

Ability to reserve time on the White House tennis courts . . .

Meeting time with Vice President Gore.

Again, Jack Quinn was the contact person.

To be very clear, this is a memorandum of May 5, 1994, to Ann Cahill from Martha Phipps, and it is titled "White House Activities." Again, it reads:

In order to reach our very aggressive goal of $40 million this year, it would be very helpful if we could coordinate the following activities between the White House and the Democratic National Committee.

I have stated several times that every institution of government was debased in the 1996 campaign. I think that this document certainly indicates that was the case.

We will have a vote on a tabling motion by my dear friend from Wisconsin here in a few minutes and then we will have a cloture vote later this afternoon. I will have a lot more to say before we finish this debate.

How do we go home and tell our constituents that we are all equal when this kind of thing has become commonplace? And the same kinds of things are done by the Republican Party. Obviously, they didn't have the White House boxes and those other conveniences or perks. How can we tell the American people that they are equal when these kinds of things go on?

The reason I bring this up, this all has to do with the most egregious aspect of the present system, and that is soft money. When you look at the dramatic increase in soft money over the last couple, three cycles, it is dramatic. So there will be more memorandums like the one I just cited and there will be more soft money and there will be more requests for large contributors.

I see a couple of my colleagues who are waiting to speak. I believe—and I will say this again before the final vote—this issue will be resolved over time and we will prevail because the American people won't stand for this. They won't stand for it, and I believe they will demand we clean up this system either sooner or later.

I will talk again later on. I yield the floor.

Mr. FEINGOLD. Mr. President, I inform my colleagues I will not be offering a motion to table at 12:00 noon. Instead, as I understand it, we will continue to debate until the cloture vote at 1:45. We will have the opportunity to vote on this issue again in the days to come, so I don't see a need for another vote before our cloture vote.

May I inquire of the Chair, am I correct that the time after 12:00 noon but prior to 1:45 will be equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. I ask unanimous consent I control the time on our side.

Mr. McCONNELL. Reserving the right to object, I didn't hear the earlier unanimous consent.

Mr. FEINGOLD. I did not propose a prior unanimous consent; the only

unanimous consent I propose is I control the time after 12 noon and prior to 1:45 on our side.

Mr. MCCONNELL. So the suggestion was, we will continue to divide the time until 1:45?

Mr. FEINGOLD. That is correct.

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

Mr. FEINGOLD. How much time do we have remaining on our side prior to 1:45?

The PRESIDING OFFICER. The Senator from Wisconsin has 54 minutes.

Mr. FEINGOLD. Prior to 1:45?

The PRESIDING OFFICER. That is correct, and the Senator from Kentucky has 63 minutes.

Mr. FEINGOLD. Mr. President, I yield 5 minute to the distinguished Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

I thank Senator FEINGOLD for yielding the time, and I both thank and commend Senator FEINGOLD and Senator MCCAIN for their leadership on this very critical issue. They have been fighting a very lonely—at times lonely—but a very extraordinary battle for not only the reforming of our campaign system but, many suspect, the continued viability of our political system.

We have a campaign finance system in place, but that system has literally collapsed. The exceptions, the loopholes, the ingenious ways around, have in fact devoured the rules and we no longer really have a system of campaign finance. What we have is an all-out race for dollars, constantly, incessantly, and then an all-out escalation of spending and political campaigns which has left our constituents amazed and at times disgusted. We have a responsibility and an obligation to change this system today, with the opportunity to vote for very modest reform which will begin to, once again, make elections about ideas and policies, and not auctions to the highest bidder.

The McCain-Feingold compromise seeks to accomplish two basic goals: First, to ban the unlimited, unregulated gifts by corporations, wealthy individuals and labor unions to political organizations, the so-called soft money; second, to regulate the so-called issue advertisements which impact on campaigns and which are growing in frequency and in their emphasis impact on campaigns. By ending soft money contributions, we will do what we persistently have said we want to do, and that is to prevent corporations from participating directly in elections.

This is not radical reform, this is commonsense consistent reform that we thought we accomplished back in 1973 and 1974 with the original campaign finance reform system.

Second, this legislation would attempt to provide a modicum of control over the new phenomenon of the issue ads. They would require the disclosure of the contributions by these individuals and also indicate who is sponsoring these advertisements, or where they are getting their money. We have seen, over the last several years, an amazing phenomenon—candidates are in a race and they are discussing the issues and, suddenly, out of nowhere, comes a mysterious advertisement on television attacking one or praising another. And they both claim that they had nothing to do with it. It is no longer their campaign. They are, in a sense, bystanders on issue advertisements and issue campaigns of which they themselves, many times, disclaim having any knowledge. All of this takes out of the hands of the candidates and, ultimately, the hands of the electorate, what should be at the heart of every election—a vigorous debate between individual candidates about their vision of the future of this country.

So we have to do these things. We have to ensure that our campaigns are not tainted by soft money and not overwhelmed by these issue advertisements. This is a problem that plagues both of our Houses. As Senator MCCAIN pointed out, it is not just a situation with the Democrats or just with the Republicans; both sides are locked into this inexorable, it seems, race for dollars. In doing that, we have created a situation where the American people, in many cases, are increasingly disenchanted; they are voting less and less and are getting to the point of being contemptuous of the best political system the world has created to date.

We have to do this modest reform today. Frankly, this is just modest reform. There are many things that we could and should do that we are not even talking about today on the floor of the Senate. The States—the so-called laboratories of reform—are doing things today that we should be at least contemplating. In my own State of Rhode Island, we implemented voluntary spending limits with limited public financing. The States of Maine and New Jersey have done the same thing. The State of Vermont has implemented strict limits on candidate spending—legislation which directly challenges the Court's decision in Buckley v. Valeo, which I believe incorrectly equates money with speech.

In fact, I have introduced similar legislation in this body which would legislatively put limits on and legislatively force the Court to reevaluate Buckley v. Valeo. These are very aggressive steps that we should take. These are things we should do to ensure that our system is entirely resistant to the ravages of money that is affecting it today. But at least today we can stand up with Senators MCCAIN and FEINGOLD and say that we must stop the influence of soft money. We must at least have the disclosure rule behind these issue advertisements. This is the first step toward long-term campaign finance reform that will not only make races about ideas, but will, in fact, I believe, restore the faith of the American people in their system of government and what we do for them.

I yield back my time.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, I yield 2 minutes to the Senator from Michigan.

Mr. LEVIN. I thank the Senator.

Very properly, Senator MCCAIN made reference to the bipartisan nature of the problem and the bipartisan nature of the effort. I commend Senator MCCAIN for doing that, for his strong leadership, which is essential if this is going to succeed.

I want to put in the RECORD some documents, for the sake of completeness, showing how bipartisan this problem is. Senator MCCAIN, very appropriately, put in a document relative to what the benefits of major contributors to the Democrats are going to be offered. I don't know if that was actually implemented under that document or not, but plenty was implemented.

I ask unanimous consent that these two documents be printed in the RECORD.

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

1997 RNC ANNUAL GALA, MAY 13, 1997, WASHINGTON HILTON, WASHINGTON, DC

GALA LEADERSHIP COMMITTEE

Cochairman—$250,000 fundraising goal

Sell or purchase Team 100 memberships. Republican Eagles memberships or Dinner Tables.

Dais Seating at the Gala.

Breakfast and Photo Opportunity with Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich on May 13, 1997.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Vice Chairman—$100,000 fundraising goal

Sell or purchase Team 100 memberships, Republican Eagles memberships or Dinner Tables.

Preferential Seating at the Gala Dinner with the VIP of your choice.

Breakfast and Photo Opportunity with Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich on May 13, 1997.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Deputy Chairman—$45,000 fundraising goal

Sell or purchase three (3) Dinner Tables or three (3) Republican Eagles memberships.

Preferential Seating at the Gala Dinner with the VIP of your choice.

Luncheon with Republican Senate and House Leadership and the Republican Senate and House Committee Chairmen of your choice.

Private Reception with Republican Governors prior to the Gala.

Dinner Committee—$15,000 fundraising goal

Sell or purchase one (1) Dinner Table.

Preferential Seating at the Gala Dinner with the VIP of your choice.

VIP Reception at the Gala with the Republican members of the Senate and House Leadership.

(Note.—Benefits pending final confirmation of the Members of Congress schedules.)

1992 REPUBLICAN PRESIDENT'S DINNER

BENEFITS FOR TABLEBUYERS AND FUNDRAISERS

Tablebuyers/tablehosts	Fundraisers (two tables)	Fundraisers ($92,000 and above)	Top fundraisers
Private reception hosted by President and Mrs. Bush at the White House; 2 people, or Reception hosted by the President's Cabinet, 2 people. In addition Luncheon at the Vice President's Residence hosted by Vice President and Mrs. Quayle, 2 people. Senate-House Leadership Breakfast hosted by Senator Bob Dole and Congressman Bob Michel, 2 people. Option to request a Member of the House of Representatives to complete the table of ten. With purchase of a second table, option to request one Senator or one Senior Administration Official.	Private reception hosted by President and Mrs. Bush at the White House, 2 people, or Reception hosted by the President's Cabinet, 2 people. In addition Luncheon at the Vice President's Residence hosted by Vice President and Mrs. Quayle, 2 people. Reception with Senator Bob Dole at U.S. Capitol, 2 people. Senate-House Leadership Breakfast hosted by Senator Bob Dole, and Congressman Bob Michel, 2 people.	Photo Opportunity with President Bush; 1 person. All Fundraiser Benefits listed above.	Opportunity to be seated at a head table with the President or Vice President based on ticket sales. All Fundraiser Benefits listed above.

Note.—Attendance at all events is limited. Benefits based on receipts.

Mr. LEVIN. One of these documents is an invitation to the Republican National Committee Annual Gala 1997, in which for $250,000, the contributors to the Republican National Committee get to attend a luncheon with Senate and House leadership and the Republican Senate and House committee chairmen of your choice. That is $250,000. You get a luncheon with the committee chairmen.

Next is a 1992 Republican President's Dinner. Major contributors got a private reception, among other things, hosted by President and Mrs. Bush at the White House. And the Republican Eagles promised major contributors who became members of the Republican Eagles' contributor group "foreign economic and trade missions," in which the Eagles have been welcomed enthusiastically by heads of state, such as Premier Li Peng of the People's Republic of China.

Again, Mr. President, I think the point Senator MCCAIN very properly made is that we have a major, massive, bipartisan problem that is undermining public confidence in elections in this country. It is a bipartisan problem. It requires a bipartisan solution, and hopefully this coalition will stand together in the face of a filibuster and say, yes, you have a right to filibuster; that is your right, but we need not withdraw in the face of a filibuster.

This problem is so huge that it requires action, and we cannot simply defer it year after year. There has never been a better time for action than when the House has acted on reform, against the odds, just as we have to act against the odds if we are going to succeed. I thank Senators MCCAIN and FEINGOLD, the leaders on both sides of the aisle, who can succeed if we hang tough here and not withdraw in the face of a filibuster.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, let me first strongly concur with the remarks of the Senator from Michigan. We have to proceed on this issue. We will proceed on this issue this year until we get the job done. I am grateful for his strength and leadership on this.

I am pleased now to be able to yield some time to the distinguished junior Senator from Maine, who brings many important qualities to this issue, but the two that I will list at the top are her extremely genuine commitment to this issue and her courage. It is a difficult thing to be a part of this bipartisan issue. I see her involvement as being absolutely central to the fact that we are even here today still discussing it.

With that, I yield 12 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I want to start by commending the Senator from Wisconsin for his leadership and thanking him for his kind comments.

It is with a renewed sense of enthusiasm that I rise today to urge this body to pass much-needed reforms to our campaign finance laws. I am buoyed by the courage shown by my Republican colleagues in the House who were willing to put their commitment to good government ahead of their parochial interests.

Mr. President, this amendment is needed because the twin loopholes of soft money and bogus issue ads have virtually obliterated our campaign finance laws, leaving us with little more than a pile of legal rubble. We supposedly have restrictions on how much individuals can contribute to political parties; yet, at last year's hearings before the Senate Governmental Affairs Committee, we heard from one individual who gave $325,000 to the Democratic National Committee in order to secure a picture with the President of the United States. Another mockingly testified that the next time he is willing to spend $600,000, rather than $300,000, to purchase access to the White House.

We supposedly prohibit corporations and unions from financing political campaigns; yet, the AFL–CIO reportedly spent $800,000 in Maine on so-called issue ads which anyone with an ounce of common sense recognized were designed to defeat a candidate for Congress. And as reported in Sunday's Washington Post, when the class action lawyers collect their tens of billions in fees from the tobacco lawsuits, the resulting flood of cash to the Democratic Party will make past contributions look like pocket change.

We in this body decry legal loopholes, but we have reserved the largest ones for ourselves. Indeed, these are more like black holes, and that sucking sound you hear during election years is the whoosh of six-figure soft money donations rushing into party coffers.

Why should this matter, we are asked by those all too eager to equate freedom of speech with freedom to spend? It should matter because political equality is the essence of democracy, and an electoral system fueled by money is one lacking in political equality.

Mr. President, the hope of Maine support campaign finance reform. If my colleagues will indulge me a bit of home state pride, I think the Maine perspective results from old fashion, Down East common sense. Maine people are able to see through the complexities of this debate and focus on what is at heart a very simple, yet very profound, problem. As long as we allow unlimited contributions—whether in the form of hard or soft money—and as long as we allow unlimited expenditures, we will not have political equality in this country. It is not just that there will not be a level playing field for those seeking public office, but more important, there will not be a level playing field for those seeking access to their government.

The Maine attitude may well be shaped by the fact that many people in my state live in communities where town meetings are still held each year. I am not talking about the staged, televised town meeting that has become so fashionable of late. I am talking about a rough and tumble meeting held in the high school gym or in the grange hall. Attend one of these meetings and you will observe an element of true democracy; people with more money do not

get to speak longer or louder than people with less money. Unfortunately, what is true at Maine town meetings is not true in Washington.

Mr. President, the amendment pending before this body is dramatically different from the original McCain-Feingold bill. It does not seek to radically alter how we finance our campaigns. Indeed, it does not alter at all the basic framework that Congress established more than two decades ago in the 1970s.

Before us today is legislation designed simply to close election law loopholes that undermine the protections the American people were promised in the aftermath of Watergate. Put differently, this amendment does not create new reforms, but merely restores reforms adopted two decades ago.

Let me be more specific. Gone from this version of the legislation are the voluntary limits on how much a campaign can spend. Gone is the free TV time, as well as the reduced TV time. Gone is the reduction in PAC limits. Gone are the restrictions on certain types of so-called issue ads run by nonprofit organizations, replaced instead by a requirement that they disclose their sources of funding.

Most of these continue to be very important reforms to which I remain personally committed. But in the interest of securing action on the major abuses in the current system, we who support the McCain-Feingold proposal have agreed to significant compromises. This is now a modest bill but nevertheless, a critical first step in the journey toward reform.

Mr. President, history demonstrates that the current uses of soft money and issue ads were not intended by the framers of our election laws. Go back to the early 1980s when soft money was used only for party overhead and organizational expenses, and you will find that the contributions totaled a few million dollars. By contrast, in the last election cycle when soft money took on its current role, these contributions exceeded $250 million.

Bogus issue ads were such a small element in the past that it is impossible to find reliable estimates of the amounts expended on them. Unfortunately, that is no longer the case, and these expenditures have now become worthy of studies, the most prominent of which estimates that as much as $150 million dollars was spent on these ads in 1995–96.

When I ran for a seat in this body, I advocated major changes to our campaign finance laws, but I recognize that goal must wait for another time. The challenge before us today is far more modest. Are we prepared to address loopholes that subvert the intent of the election laws that we enacted more than two decades ago? Are we willing to restore to the American people the campaign finance system that rightfully belongs to them?

Those are the questions before this body. Mr. President, a strong majority of the Members of the House of Representatives support reform as do a majority of the Members of the Senate. I would hope that the Senate this week will finally vote to reform a loophole-ridden system. The American people deserve no less.

Mr. President, it remains to be seen whether campaign finance reform is an idea whose time has come. But I can assure my colleagues of one thing—it is an idea that will not die.

Thank you, Mr. President. I urge my colleagues to support the McCain-Feingold amendment, and I am proud to be a cosponsor.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, I again am grateful for the comments of the Senator from Maine and for her support.

I am also delighted to be able to yield time to someone who has been deeply involved in this issue, both as a supporter of our legislation and one of the original supporters of the legislation, but who also of course is intimately familiar with the problems that have occurred because of the campaign finance scandal—the chairman of the Governmental Affairs Committee. At this point I would like to yield 20 minutes to the distinguished Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. I thank the Senator from Wisconsin very much.

Mr. President, I rise to support this amendment. I do so not only because of what I believe to be the inherent merits of the amendment but because I think it has broader implications for us today in the times that we live in.

We have had good times in this country for some time now—economically, we have low unemployment, we have low inflation, and we have prosperity. When we look abroad, we have had peace. We are the lone remaining superpower in the world.

It seems that during times like this, Washington becomes irrelevant to a lot of people, and in some ways perhaps that is good. But we are not very mindful of the need for leadership in times of trial and times of trouble. But the fact of the matter is that in more recent times we have seen the beginnings of such times of peril and trouble. Many people think that we have some serious chickens coming home to roost and that both peace and prosperity are at issue now.

As we look at what is going on in this country and the fact that we cannot forever remain the only buying nation in a world of sellers—that we cannot be immune to what is going on in the Pacific rim, the Soviet Union, perhaps Japan and South America, and the troubling economic conditions there—we cannot forever be immune, and our economy cannot be immune, from what is going on in the rest of the world.

We see, as we broaden our perspective, a foreign policy that is in shambles in many respects. We see that we are losing the respect in many ways that the United States has had around the world. It is evidenced by our troubled coalition with regard to Iraq. It is evidenced by a very, very troubling policy with regard to Iraq where the credibility of the Nation's leading figures is at issue.

It is at issue when you look at a country such as North Korea, with whom we are supposed to have a nuclear understanding and agreement, as they send missiles across our ally in Japan. We are told by the Rumsfeld Commission that rogue outlaw nations are going to have the capability within just a few years of launching a missile containing biological or nuclear or chemical weapons to hit the continental United States.

So all of this is before us now, and the American people, I think, are going through somewhat of a period of readjustment in their thinking because we have not only that, but we have very much of a troubled Presidency. We have seen for some time now that while nobody has been paying much attention to a lot of these things, the level of cynicism continues to go up in this country.

We see the Pew report, for example, which shows that our confidence in the leadership in this country is low. We see that this lack of confidence is even greater among our young people. A lot of people used to attribute the growing cynicism and lack of confidence in many respects—and it is somewhat affected by the economy as it goes up and down—but fundamentally the cynicism grows and lot of people say because of Watergate, because of Iran Contra, because of various other things, the assassinations of one generation that we saw, Dr. King and the President, and so forth, but what we are seeing now in these reports is that the cynicism and the concern is the greatest among our young people who have never witnessed or had to experience many of these things. So it makes it even more troubling.

So all of this goes to the point of now that we see the need for strong leadership, after we have done so much to destroy the confidence that the American people ought to be having in the leadership of this country, who is going to listen to our leaders? I have been saying for well over a year now that with peace and prosperity we can go on autopilot for a little bit. But if our people continue to be distrustful of their own Government and the cynicism levels rise, especially among our young

people, when that pendulum swings back, as it invariably does, and we no longer have peace and we no longer have prosperity, where is the leadership going to be, and who is going to follow the leadership of those of us in Washington who stand up and say here is the way; here is what we need to do; this is the way out of this problem. We have been in problems before, and we can get out of this one if you follow us. Who is going to follow us?

That is the question yet to be answered. We do not know what we have done to our institutions, in many cases by our own actions, in many cases for other reasons, but we don't know the answer to that. And when the tough times come, as they invariably will in the short term or the long term, I only hope that we are strong enough in our institutions, in the Presidency, in the Congress, and the respect for our court system to be able to lead the American people.

Mr. President, that is why this issue that we are discussing today is doubly important. It has to do with the very fundamentals of our Government. It has to do with the way we finance campaigns in this country, the way we elect the elected leaders who in turn are supposed to lead us when we need that leadership. I must say, in my opinion, we now have the worst campaign finance system that we have ever had in this country. In fact, you cannot call it a campaign finance system at all. It is a situation that is an open invitation to abuse. It is an open invitation to corruption. It is an open invitation to cynicism. And after the scandal of the 1996 campaign, if we do not do something about it, the level of cynicism that I talked about earlier, I think, is going to be even higher.

If people think that we have gotten over the hump and everyone loves Congress now, you wait until that economy dips just a little bit; it will come back to the trend it has been following for a long, long time. It is a scandal waiting to happen. It is a system that after all this time has come to the point where there is no limitation on big corporate contributions or big labor contributions, and we are spending more and more and more time going after more and more money from fewer and fewer people who have the millions of dollars that is fueling our system, the same people who come back before us wanting us to either pass or defeat legislation.

Mr. President, I have said ever since I have been in the Senate, I say here again today, that is a system that cannot last. That is an inherently defective system that cannot last over any period of time. So now because of that system, everybody is onto it and the race is on, and we are seeing the millions go to tens of millions and the tens of millions go to the hundreds of millions being put in by the large corporations and the large labor unions and the large vested interests that have those kinds of dollars.

It makes me wonder how the small donor, which has been the bedrock of my party, perceives himself in all this. We are not getting enough checkoff on the tax returns in the Presidential system right now, and that is probably going to fail. Voter turnout is getting down there now with some of the banana Republics, and I think part of that has to be due to the fact that in a system that I have just described the average person does not see that it has a whole lot to do with him or with her.

The ironic part about it is that this is not even a system that we created in Congress. We could not. No one would ever come in here and offer a piece of legislation that would create the system that we have today. We can discuss that a little bit further in a moment.

We have had a lot of good discussion about the details of the amendment and the details of the legislation and some discussion about the broader principles involved, but the crux of it all has to do with whether or not we think it is a good idea to have unlimited corporate, labor, and individual contributions to political candidates and to incumbents and to have those contributors come in and try to get legislation passed after they have given us all that money. I think asking the question answers it. When you put it out like that, I think it answers itself. I think the answer is, no, we do not want that even though that is what we have.

Why do I say that I think we do not want that when people seem to be so afraid of reform? Well, it is because throughout our entire history we have indicated that we do not want that because we ourselves learn some things sometimes from history, and we look around the world and we see that almost 2,000 years ago scholars were saying that this is the sort of thing that brought down the Roman Empire. The Venetians imposed strict limitations on contributions and money that would go to public officials. In their system, if donors had favors to ask, they were not allowed to give anything.

We have seen that political influence money brought down entire political systems in times past in Japan and Italy. We have seen corruption in South Korea and Mexico. It is all around us—at the end of the last century, influence buying scandals; the Watergate; campaign finance scandal—time and time again.

So, we have seen that. And we also understand that it is a potential problem from our real world experience. People are sometimes surprised that a conservative Republican like myself would feel strongly about campaign finance reform, and they say: Why would that be? I say for the same reason Barry Goldwater was for campaign finance reform. We will talk about that in a minute, too.

But I think it has more to do with the fact that up until 3 or 4 years ago I was not involved in the political system, I was not running for office or holding office. But I did prosecute cases. I did defend cases. And I am very familiar with the idea that if you have people making decisions, you have to be very careful about how those decisions are influenced. If you are a purchasing agent, for example, you cannot take favors from someone from whom you are considering to buy something. If you are a loan officer at a bank, you cannot take favors from people whom you are considering for a loan. People get prosecuted for things like that all day, whether or not it was the real reason that the loan was made. The point being—the analogy is not perfect—but the point being, we have always been very concerned about that. We have gratuity laws in this country where, regardless of whether or not it bought anything, there are some people under some circumstances that you cannot give gifts to, because we are very mindful of the appearances of that.

We even do that with regard to our own activities. We passed gratuity laws that pertain to the Congress so now a friend cannot buy you dinner. He can go out here and raise $100,000 for a committee and, in turn, it will go to your benefit, he can bundle a few hundred thousand dollars for you, but he cannot buy you dinner. So at least we are paying some lip service to the idea that we have to be somewhat mindful of money going to those who are in positions of decisionmaking power.

We recognized that in 1907 when, as a Congress, as a nation, we prohibited corporate contributions. We recognized it again in 1943 when, in the same manner, we prohibited labor contributions and set up political action committees. We recognized it further as a Congress when we set up the current system of $1,000 limitations and $5,000 limitations on PACs, and so on and so forth.

You can argue over the amounts. I certainly think those amounts now are ridiculously low. They ought to be raised. The hard money limits ought to be raised. That is a debate for another time. But the fact of the matter is, we have been mindful of that. We addressed that. We always said, in this country, it is a bad idea to have wealthy individuals being able to give large amounts of money, unlimited amounts of money, to politicians. It is a bad idea to have big corporations who are usually involved in government contracts giving unlimited amounts to politicians or big labor unions. Yet that is what we have.

By the same token, we are mindful of that, especially with regard to our Presidential campaigns and our Presidential elections. That is why we set

up a public finance system for our Presidential elections. It is in shambles now because we have an Attorney General who is not doing her job and has a singular, a unique way of interpreting laws. But the fact of the matter is, we set up a system to take our candidates for President out of the money grubbing system. If you agree to take public financing, then you get public money, and the public, the taxpayers, were willing to run those campaigns on their own money, on their dime, in order to keep their candidates above and separate and apart from having to raise large amounts of money from these large contributors.

We have always been mindful that large amounts of money and the decisionmaking of government are things that we have to be very, very careful about. We do allow some contributions. We do have a system—it takes money to run campaigns and all of that. We can argue over the amounts and so forth. But hardly ever has anybody, really, in this country, carried on a serious debate espousing the idea that all bets ought to be off, that any big corporation or any big labor union could give any amount that they wanted to regardless of whether or not they had legislation pending.

So, if that is the case, how in the world did we get to where we are today, where, I say, there are no limitations anymore? You have to jump through a few hoops and you have to be hypocritical—which is no big hurdle to overcome—and you have to run it through the right kind of committee and so forth, and you have to word the ad a little bit correctly, and a few other things that 100 years from now we will look back on—somebody will look back on, and laugh at, as to how we ever had a deal like this.

But essentially, whether you are running for President now—under the Attorney General's current interpretation, running for President now or to be a Member of Congress or a Member of the U.S. Senate, you can basically take any amount of money or get the benefit from any amount of money from anywhere, including the other side of the world. That has not been fully pushed yet, but I assure you, unless things change, that will be the next shoe to drop. There are people arguing in courts in this country right now that there is no limitation, under current law, on foreign contributions—foreign soft money contributions to our political parties. So that is the next step.

So, how did we get here? If Congress, if we as a people, have always been mindful of this problem and Congress has legislatively set up a restrictive framework, then how did we get to where we are? It is really pretty simple when you distill it all down. It happened over a period of time, but essentially the FEC, Federal Election Commission, decided to open up a little soft money crack and said parties can use a little soft money in their party-building activities. Then they went a little bit further and said parties can use some soft money, a certain percentage of soft money, in their TV issue ads.

And what happened then? The Clinton-Gore campaign took that crack and ran a Sherman tank through it and basically said, not only are we going to do that, but we are going to totally coordinate that entire activity so it will not be independent at all, and that we will sign the certification that we will take public financing and raise no more money, but we will really pretend like this is not money for our campaign.

The PRESIDING OFFICER (Mr. GRAMS). The Senator's 20 minutes have expired.

Mr. THOMPSON. I ask unanimous consent for an additional 10 minutes.

Mr. FEINGOLD. I just want to inform my colleague, we only have a total additional 16 minutes for other Senators, and that will bring some difficulty here unless I ask unanimous consent that an additional 10 minutes be added to our time.

The PRESIDING OFFICER. We reserve the right to object until we have a——

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

The PRESIDING OFFICER. Will the Senator withhold that request?

Mr. FEINGOLD. Yes, I will.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. What was the consent agreement?

The PRESIDING OFFICER. The request was for Mr. FEINGOLD to add 10 additional minutes to his side for the debate.

Mr. MCCONNELL. Thereby making the vote later?

The PRESIDING OFFICER. That will be the effect, yes.

Mr. MCCONNELL. Reserving the right to object——

Mr. FEINGOLD. Mr. President, in light of something I was informed of after I put in my request, I withdraw my unanimous consent request and I simply yield an additional 2 minutes to the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for another 2 minutes.

Mr. THOMPSON. All right. I was not aware that there was a time agreement. So I apologize for the necessarily abbreviated nature of the rest of my remarks, which basically have to do with the fact that we have an interpretation now by the Attorney General which permits that.

Therein lies part of the problem of those who advocate for campaign finance reform, because those who advocate it in many cases have lost the high ground. The President certainly lost the high ground because of his behavior, and I must say that after our congressional hearings on this subject where we saw foreign money coming in, people taking the fifth amendment, unlimited access to the White House, shakedowns with regard to American Indians and Buddhist nuns, use of the White House, setting people up in positions with classified information, and then raising money and all of the coverups attendant to that, while we need to address that from a campaign finance standpoint for the future, we have not adequately addressed what has gone on in the past.

When we look around for blame to assess with regard to the fact we can't move this legislation, we have to come to terms with the fact that those who want to reform cannot be content with saying all we need is reform and forget about the past. We have not adequately addressed the past. Those who have let those things go by without blowing the whistle on them, without seeing anything wrong, without saying that is wrong conduct, as we saw for the last year in this country in our hearings, have lost the moral high ground with regard to this legislation.

I am hoping we can do better in the future. I think those of us who want reform have to understand, yes, we need to clean up the past, but we cannot let this hold us hostage for what we need to do in the future. Those of us who promote campaign finance reform need to understand that before we can really have it, we have to have justice for the past. I thank the President and yield the floor.

Ms. MIKULSKI. Mr. President, once again the Senate is considering campaign finance reform. As my colleagues know, the House of Representatives in August passed a strong reform measure. I'm pleased that their action has prompted a renewed effort here in the Senate to pass a comprehensive campaign finance reform measure.

I started my career in politics as a community activist, working to prevent a highway from demolishing my Fell's Point neighborhood. I don't want the next generation of community activists shut out of the process. I want them to know that their efforts matter. I want people to have an opportunity to participate in their communities and in our political process. I want to restore each American's faith and trust in government. The McCain-Feingold amendment is an important part of that effort.

I have consistently supported campaign finance reform, so I will gladly vote to close debate on the McCain-Feingold amendment. I hope we will invoke cloture, and move quickly to a vote on final passage of this amendment. Vote after vote this year has shown that a majority of the Senate supports McCain-Feingold.

Unfortunately, through parliamentary tactics and filibuster, a majority of the Senate has not been able to work its will on this issue. I hope we will be successful today in at last ending the filibuster on this issue.

During my time in the United States Senate, I have voted 19 times to end filibusters on campaign finance reform. So I know we have a fight on our hands. But it is time for action, and it is time for reform. The American people are counting on us.

I believe we need campaign finance reform for a number of reasons. First and most important, we need to restore people's faith in the integrity of government, the integrity of their elected officials, and the integrity of our political process.

Many Americans are fed up with a political system that ignores our Nation's problems and places the concerns of working families behind those of big interests. Our campaign finance system contributes to a culture of cynicism that hurts our institutions, our government and our country.

When Congress fails to enact legislation to save our kids from the public health menace of smoking because of the undue influence of Big Tobacco, it adds to that culture of cynicism. When powerful health care industry interests are able to block measures to provide basic patient protections for consumers who belong to HMOs, that adds to the culture of cynicism. Is it any wonder that Americans do not trust their elected leaders to act in the public interest?

Today we have a chance to help break that culture of cynicism. We can enact legislation to eliminate the undue influence of special interests in elections.

How does this amendment do that? First of all, it stems the flood of unregulated, unreported money in campaigns. It will ban soft money, money raised and spent outside of federal campaign rules and which violates the spirit of those rules. It will end the sham of "issue ads" that are really designed to support or oppose federal candidates.

This amendment will improve the disclosure of contributions, and expand the Federal Election Commission's enforcement capabilities. It will codify the Beck decision, by allowing nonunion members who pay fees in lieu of union dues to obtain a refund of the portion of those fees used for political activities. It will make it less likely for wealthy candidates to try to buy elections, by barring political parties from making coordinated expenditures for candidates who do not agree to limit their personal spending.

These are all reasonable reforms. They will get the big money and the secret money out of campaigns. They will help to strengthen democracy and strengthen the people's faith in their elected officials.

Mr. President, we can improve our political process, making it more fair and more inclusive, without compromising our rights under the Constitution.

By limiting the influence of those with big dollars, and increasing the influence of those with big hearts, we can bring government back to where it belongs—with the people.

The McCain-Feingold amendment will help us to do that. I am proud to support it with my voice and my vote.

Mr. CHAFEE. Mr. President, twice during this Congress, the Senate has debated reforming the manner in which campaign funds are raised and spent. A majority of Senators clearly believes that the current system is in need of reform. Progress has been made during this Congress in two important areas: in the substance of the issue and in gaining greater Congressional support for reform.

It would be a shame to sully this bipartisan progress by resorting to political tactics, as too often has occurred in past debates. In 1992, both the House and the Senate approved a campaign reform bill that had no hope of becoming law. It was wholly unacceptable to President Bush, and he had no recourse but to veto it. In 1993 some of us worked hard with Members from the other side to craft serious legislation. But the Senate bill was not agreeable to House Democrats, and it languished in the House for months before any action occurred. As the election year adjournment neared, the Democratic leadership reached an agreement on what would be included in a conference report before the conferees had ever met, and that agreement was far from the reform that I had hoped for and supported. In 1996, another election year, a far less acceptable version of the McCain-Feingold bill was debated and defeated.

This year, supporters of reform find themselves in a slightly more hopeful position. The bill before us has been greatly improved; it has bipartisan support; and the House has already approved very similar legislation.

The paramount goal of any true effort to reform the system of financing elections for federal office must be to reduce the influence of special interest money on elected officials. Although the proposal before us may not be the final resolution to the problems that afflict the current system of campaign fundraising, it provides a better starting point than we have had in previous years.

I urge my colleagues on this side of the aisle to take another look at the modified version of McCain-Feingold that is before us today. This is a solid proposal that addresses the soft money abuses that have effectively obliterated federal election law. It addresses the problem of unregulated, unrestricted, and unreported spending by anonymous donors. It addresses blatant electioneering disguised as issue advocacy. And it eliminates enormous soft money contributions from corporations and big donors. In other words, it goes a long way to reducing the influence of special interests.

And I urge my colleagues on the other side not to let this debate degenerate into political gamesmanship.

Mr. SARBANES. Mr. President, last fall, the Majority Leader and the other Republican opponents of campaign finance reform denied the will of a majority of the Senate—and a majority of the American people—by denying an up or down vote on the McCain-Feingold bill. This past February, we witnessed again successful efforts to block consideration of this proposal. At that point, I stated that such maneuvers violate the Senate's well-earned reputation for thoughtfulness and deliberation, in which it rightly takes such pride, and I noted that full consideration of the campaign finance issue by the Senate is crucial to maintaining the public's confidence in its government.

Mr. President, the McCain-Feingold bill is before us again, but under changed circumstances which make the need for Senate consideration of campaign finance reform all the more vital. We must now consider this most important issue in the context of House passage of its own campaign finance legislation—passage which occurred only after determined members of both parties successfully navigated a minefield of amendments erected by the House Republican leadership with the goal of killing campaign finance reform there. Despite these efforts, a majority of the House held together and enacted legislation that gives voice to the belief of the American public that our system of campaign financing needs fixing.

I hope that this time the Senate leadership will give us the same opportunity to express our support for campaign finance legislation that the members of the House earned this summer. I am a cosponsor of the McCain-Feingold bill, and will therefore vote in its favor when—if—the issue comes before the Senate. Others oppose this legislation. What the American public deserves at least, however, is an up or down Senate vote that gives effect to the will of the majority and that makes the American public confident that the issue has received thorough review by its elected representatives. Based on prior votes, I suspect that such review will in fact yield a decision by a majority of the Senate that campaign finance reform is appropriate and necessary. But even if I am mistaken and a majority of Senators now oppose such legislation, a fair Senate process demands that an up or down vote take place as soon as possible and that the will of the majority be allowed to carry the day.

In February I noted that the Senate's failure to consider the McCain-Feingold bill on an up or down vote merely increases the public cynicism that makes campaign finance reform necessary. Now that the House has acted, my prior statements are even more true. I therefore once again urge the Majority Leader to observe a process consistent with the Nation's desires and needs.

Mr. HATCH. Mr. President, my colleague from Kentucky has, as usual, made a persuasive case why the McCain amendment is, as it has been for several years, flawed beyond salvage. I commend him for his leadership on this issue.

Like most of my colleagues, I do not oppose reform of our campaign finance laws if it is done in a constitutionally sound manner. But, I do not think passing campaign finance reform—this McCain-Feingold amendment, for example—just to say we've enacted reform gives us any sort of bragging rights. There is no virtue in passing a bad bill.

I would like to spend just a few minutes addressing what, in my mind, is a much greater issue: the investigation of the fundraising abuses during the 1996 election cycle. At a time when the supporters of McCain-Feingold are urging adoption of an unprecedented increase in federal regulation of campaigns and public discourse, which would be enforced by this administration, that same administration has made almost no progress in finding out whether the laws already on the books were trampled by the Clinton/Gore campaign, the White House, and the Democratic National Committee. Unfortunately, the Attorney General of the United States, Janet Reno, has continued to refuse to do what the law compels her: appoint an independent counsel to conduct the investigation of the fundraising activities surrounding the 1996 reelection campaign. And her own investigation, mired in obvious conflict of interest, has been a dismal failure.

Last week I met for almost three hours with Attorney General Reno and top officials and staff of the Justice Department, including Deputy Attorney General Holder and Former Task Force head Charles LaBella, along with House Judiciary Chairman HYDE, House Government Reform and Oversight Chairman BURTON, and Ranking Member WAXMAN, regarding the campaign finance investigation and the application of the independent counsel statute to this widespread and dangerous scandal.

I had requested this meeting in late July after the existence of the so-called LaBella memorandum had come to light. In that memo, Mr. LaBella, the handpicked lead investigator with the most extensive knowledge of the facts of this scandal, concluded that the facts and law dictated that a broad independent counsel be appointed to investigate campaign finance abuses by the 1996 Clinton/Gore reelection campaign, the Clinton administration, and the Democratic National Committee. This memo came several months after a similar written conclusion made by the Director of the Federal Bureau of Investigation, Louis Freeh.

Under federal law, the Attorney General must apply to the special division of the Court of Appeals for the D.C. Circuit for appointment of an independent counsel whenever, after completion of a preliminary investigation, she finds finds information that a high-ranking official included in a specific category of individuals within the executive branch may have violated federal law.

More than one and a half years ago, all ten Republicans on the Judiciary Committee felt the time had come to request such an appointment. We sent a letter to the Attorney General, as we are authorized to do by the independent counsel statute, requesting that she make an application for an independent counsel and demonstrating the evidence which requires such an application concerning the campaign finance scandal.

After reviewing redacted versions of the memos prepared by Mr. LaBella and Director Freeh, it is clear that both gentleman have advanced strong, convincing arguments in support of a broad-based independent counsel. Importantly, when I asked the Attorney General and her top advisors why those recommendations have, thus far, been rejected, the answers I received were vague, insufficient, or unconvincing.

I have urged Attorney General Reno to appoint a broad-based independent counsel for campaign finance for well over a year. I have written the Attorney General numerous times to demonstrate how she is misapplying and misunderstanding the independent counsel law. The law allows her to appoint a independent counsel if she has information that a crime may have been committed, but she has read the law as requiring that the evidence shows without a doubt that a crime has been committed. By setting up this legal standard, she basically has required that a smoking gun walk in the doors of Justice Department before she appoints an independent counsel.

As has been widely reported, numerous individual investigations are being handled by the task force. Yet, the task force has reportedly never conducted an investigation or inquiry into the entire campaign finance matter in order to determine if there exists specific and credible information warranting the triggering of the independent counsel statute. Indeed, as has been reported, the task force has been utilizing a higher threshold of evidence when evaluating allegations that may implicate the Independent Counsel Act or White House personnel.

I have admired the courage of FBI Director Freeh and lead investigator LaBella in discussing, within applicable rules, their views on these important issues. They made it clear that the independent counsel is required under the law, that there are no legal arguments for the Attorney General to hide behind. Director Freeh stated that covered White House persons are at the heart of the investigation. Investigator LaBella said there was a core group of individuals at the White House and the Clinton campaign involved in illegal fundraising.

Now some may attempt to defend the Attorney General by noting that she has gone through the process of legal reviews of many aspects of the campaign finance scandal. These actions are good, although clearly incomplete, steps. Each month that goes by sees the Attorney General lurch towards a real investigation of the campaign finance scandal. We now have action on several peripheral fronts, including the independent counsel investigating Bruce Babbitt, the reviews of potential false statements by the Vice President concerning his fundraising calls and by Harold Ickes regarding his involvement with unions, and now the review of the President's control of DNC advertising.

My primary focus, however, has been and remains the infusion of foreign money and influence on our campaigns. Until we have a broad-based independent counsel investigation, we will only be looking at the loose threads of the scandal and not the most serious alleged violations.

In addition, I hope that the Attorney General will not take the entire three months to make decisions on these latest matters. The campaign finance violations we are discussing happened two and three years ago and every day that passes means leads are drying up, evidence is lost, and statutes of limitations are running.

While Lead Investigator LaBella and FBI Director Freeh recommended that the Attorney General appoint an independent counsel to look into the coordination issue, it is clear that they both think an independent counsel should be appointed to handle the whole scandal, not just these peripheral issues. Any independent counsel must be given authority to delve into the most important questions of the scandal. As the New York Times concluded, a limited appointment would be a "scam to avoid getting at the more serious questions of whether the Clinton campaign bartered Presidential audiences or policy decisions for contributions. A narrowly focussed inquiry could miss the towering problem of how so much illegal foreign money, possibly including Chinese government contributions, got into Democratic accounts."

I must also take issue with the Attorney General's assertions that the current investigation is not a failure because it has secured a limited number of indictments. Let's remember that the ongoing campaign finance investigation has only indicted the most conspicuous people who made illegal donations to the DNC or the Clinton/Gore campaign. It has made no headway in finding out who in the administration or DNC knew about or solicited these illegal donations. Until it does so, the investigation is a failure.

In closing, let me quote the New York Times, which, I believe, captured the situation perfectly: "Ms. Reno keeps celebrating her stubbornness as if it were some sort of national asset or a constitutional principle that had legal standing. It is neither. It is a quirk of mind or personality that has blinded her to the clear meaning of the statute requiring attorneys general to recuse themselves when they are sunk to the axle in conflict of interest."

The inability of the Justice Department to investigate and prosecute the violations of existing laws is the real scandal here. That is what we should be talking about, rather than legislation which would represent an unconstitutional, unwise, and partisan trampling of our electoral system and First Amendment rights.

One final note, Mr. President. I believe that the American people want accountability in the electoral market place—not more restrictions on what they can and cannot do to participate in it. Accountability is a desirable thing in campaigning. I have always favored disclosure, and I believe we can take steps to enhance the information available to the press and to the public. But, accountability is not the same as regulating, which is what we are debating here today.

This measure imposes new restrictions without necessarily increasing accountability, and it does so at a time when there has been little effort to effectively enforce the campaign laws we already have on the books. I join the Senator from Kentucky in urging defeat of this amendment.

Mr. GLENN. Mr. President, in the next few weeks I will be casting my final votes and concluding my four terms in the Senate. During this last term, a significant amount of my time has been devoted to investigating abuses of our current campaign finance system. What I have learned is that this is a problem which cannot wait. I am pleased that one of my remaining votes can be cast in support of important reform, however, I am disappointed that the Senate will likely not pass this much needed legislation.

Although I have always been a supporter of campaign finance reform—and indeed I personally believe that a system of campaigns fairly and equally underwritten by all Americans through some form of publicly supported financing is the only way to ensure public officials are not unduly influenced—but this last session has been a lesson for me on just how urgently we need to fix the campaign finance laws.

When we originally passed the current campaign finance laws it was in the wake of allegations that the presidential campaigns of the early 1970s had accepted hundreds of thousands, even millions, of dollars from secret contributors not known to the voters. The goals of that law were right and for many years it served us well. But there are few things that change as quickly as campaigns and politics. By 1996 our law had been eroded to the point that it was barely recognizable.

In 1996, we again faced a system totally out of control—filled with soft money and thinly disguised political advertisements masquerading as "issue" advertising funded by secret sources. We faced an election in which even the Members of this body—the people governed by the campaign finance laws—did not know what was legal and what was not.

The amendment that is before us today and the bill that passed the House are a direct product of the chaos of the 1996 election. They are good legislation that address the two key problems of our campaign finance system—the proliferation of soft money and the use of thinly disguised "issue" advertisements. In addition, the legislation takes important steps to strengthen the Federal Election Commission. The goals of the bill before us today are the same as those of the original law: to deter corruption, to inform voters and to prevent wealthy private interests from exercising disproportionate influence over the government.

There is no question that most problems we saw in the 1996 election stemmed from legal activity. There is also no question that both political parties and groups supporting candidates on both sides of the aisle in 1996 took advantage of these loopholes in their quest to win. The problems of soft money being used to purchase access and of secret contributors funding their own attack advertising campaigns without disclosing their identity can not be solved by any other means than by passing a new law.

The proposals in this bill are carefully drafted to protect the First Amendment right of voters to engage in political speech. The legislation simply requires public disclosure and compliance with contribution limits. To those who see no problem with soft money advertising campaigns by parties and issue advertising by unknown and undisclosed contributors I can only wonder what they will say after the next time they run for re-election and discover they no longer have any control over the course of their own campaigns?

No one can seriously argue that the system of soft money and secret issue ads is consistent with the spirit of the campaign finance laws. Together, the soft-money and issue-advocacy loopholes have eviscerated the contribution limits and disclosure requirements in federal election laws and caused a loss of public confidence in the integrity of our campaign finance system. By inviting corruption of the electoral process, they threaten our democracy. For parties to accept contributions of hundreds of thousands—even millions—of dollars, from corporations, unions and others to air candidate attack ads without meeting any of the federal election law requirements for contribution limits and public disclosure is a fundamental step backwards.

Twice in the past year we have voted on the amendment before us today. Each time, although a majority of the Members of this body have voted in support of the bill—a minority opposed to reform has blocked its passage.

Today we again take up this measure—but this time with a difference—this time the House of Representatives has worked together in a bi-partisan manner, recognized the critical need for reform, and passed a bill. By coming together and passing this reform legislation we in the Senate can take advantage of a narrow window of opportunity and turn these bills into a new and vital campaign finance law. This is a rare chance to fix a major problem. If we fail, it will plague us in many elections to come.

Over the course of my Senate career, I have watched as public cynicism about government increases, and trust in government declines. In 1996, for the first time, less than half the people in this country eligible to vote cast a ballot. We must assure the integrity of our campaigns if we are to have any hope that young Americans will continue to have the faith in our government and in its public servants.

If we do not act we here in the Senate will be responsible when the abuses witnessed by the American people in 1996 are repeated. All that will change is that amounts of money will continue to increase and public faith will continue to decline. In less than two months we will see the loopholes ripped open in 1996 resulting in an even greater flood of money into the system as each party tries to elect their chosen candidates, and the candidates battle to be heard against the flood of issue advertising.

There is nothing I should like to be able to say so much as that I left the Senate having helped to pass into law the amendment before us today. I would ask that my colleagues join with me to cast a vote to enact into law these sensible reforms that we know we need. Only then can I depart with the

confidence that we have acted to protect our electoral process from the apathy and cynicism that are a danger to democracy.

Mr. KENNEDY. Mr. President, with this amendment the United States Senate has an excellent opportunity to restore public faith in the political system by enacting long overdue campaign finance reform. After cynically withdrawing the McCain-Feingold campaign finance reform bill last winter, the Senate followed the lead of the House and passed a needed new law to limit the role of money in election campaigns.

The current system is a scandal, and I commend Senator MCCAIN and Senator FEINGOLD for their leadership in demanding that the Senate act on reform. The vast sums of special interest money pouring into campaigns are a cancer on our democracy. The voice of the average citizen today is scarcely heard over the din of lobbyists and big corporations contributing millions of dollars to political campaigns and buying hundreds of TV ads to promote the causes of their special interests.

Every Democrat supports the proposal before us. If enough Republicans join us, this reform will pass.

It is time to end special interest gimmickry in campaign advertising. Currently, special interests can run as many so-called issue ads as they wish as long as they do not specifically advocate a candidate's election. The American people aren't being fooled—they know that these are campaign ads in disguise and should be regulated accordingly.

Democrats also want to close the gaping loophole on soft money, which allows special interests to bypass legal limits on giving money directly to candidates. Big corporations and other special interests use this loophole to funnel money to candidates through the back door, by making so-called "soft-money" contributions to political parties and other political organizations that are spent to benefit candidates.

More than $250 million in soft money contributions played a part in the 1996 elections. McCain-Feingold proposal will ban this practice.

The fact is that phony issue ads and soft money contributions have created a climate in which our elections and our legislative agenda are determined more and more by how much money candidates can raise and less and less by issues of concern to families and communities across America. The public doesn't have to look any further than the Senate floor to see the effect big money has on the Republican legislative agenda.

For example, Republicans are determined to pass a bankruptcy bill bought and paid for by the consumer credit industry, despite the pleas of bankruptcy judges, scholars, and consumer groups.

Why is Congress moving so quickly to pass legislation that raises such grave concerns? Who benefits from the bill? Is it working families, the elderly, women and children? The answer is a resounding "no." If you want to know who benefits from this legislation, just look at the corporate interests making soft money contributions—the consumer credit industry gave $5.5 million in soft money during the 1995–1996 election cycle. Common Cause reports that since 1995, Republicans in the House of Representatives have received more than twice the PAC and soft money contributions from consumer creditors as Democrats, and—not surprisingly—Republicans voted wholesale for the bankrtupcy bill. In the House of Representatives, the bill had the support of every Republican.

The tobacco industry's total PAC and soft money contributions are less than half of what the credit industry gave during the same period—but, it was enough for the Republican leadership to reject needed anti-tobacco legislation and prevent it from being enacted.

The Campaign for Tobacco-Free Kids reports that Senators who voted consistently against the tobacco reform legislation took far more money from the industry—four times more—than those who supported the bill. In the past ten years, Senators supporting the tobacco industry's position have accepted an average of $34,000, while those who support reform measures accepted about $8,000 in contributions.

The challenge of managed care reform is another example of the power that big corporations can wield against the interests of individuals and families in the political process. In the halls of Congress, big money from campaign contributors is drowning the voices of our constituents.

A year ago, in a private strategy meeting called to defeat the Patients' Bill of Rights, staff from the Senate Republican leadership exhorted insurance industry lobbyists to "Get off your butts, get off your wallets." And lo and behold, the industry ingloriously responded.

In fact, Blue Cross/Blue Shield and its state affiliates have made $1 million in political contributions during the 1997–1998 cycle, with four out of every five dollars going to Republicans. They are also the number one PAC donors to leadership committees. They more than doubled their contributions during the 1995–1996 election cycle and 98 percent of the contributions were directed to Republicans.

According to the Center on Responsive Politics, managed care PACs—including the American Association of Health Plans, the Health Insurance Association of America, and Blue Cross/Blue Shield—gave $77,250 to leadership political action committees. All but $1,500 went to the Republican majority. As of July 1, these industry PACs have made $1.8 million in political contributions during this election cycle, and 70 percent of the money is directed to Republicans.

These same corporations have also funded a multi-million dollar advertising campaign of disinformation and distortion on managed case reform. The same corporations profit by denying care to patients who have faithfully paid their premiums. These same corporations, with their crocodile tears, claim that patient protections will bankrupt them or force them to raise premiums by hundreds of dollars.

These same corporations are spending millions of dollars—taken from premiums paid by patients—on political campaign contributions and advertising to defeat the very legislation that patients need and deserve.

What did this significant investment buy? Just what they wanted. Inaction by Congress. Stonewalling. A "just say no" strategy. At the behest of their big donors and special interest friends, the Senate Republican leadership has delayed and denied consideration of the Patients' Bill of Rights for nearly a year and a half.

The choice is clear. Will the Senate stand with patients, families, and physicians, or with the well-heeled special interests that put profits ahead of patients?

It is clear that the majority of Senator Republicans are standing with the special interests. There is no mystery about what is going on. The Republican Leadership's position is to protect the insurance industry instead of protecting the patients. They know they can't do that in the light of day. So their strategy has been to work behind closed doors to kill the bill. Keep it bottled up in Committee. No markup. No floor debate or vote.

Bill Gradison, the head of the Health Insurance Association of America, was asked in a interview published in the Rocky Mountain News to sum up the coalition's strategy. According to the article, Mr. Gradison replied "[t]here's a lot to be said for 'Just say no.'" The author of the article goes on to report that:

> [a]t a strategy session . . . called by a top aide to Senator Don Nickles, Gradison advised Republicans to avoid taking public positions that could draw fire during the election campaign. Opponents will rely on Republican leaders in both chambers to keep managed care legislation bottled up in committee.

Just as managed care plans gag their doctors, the Republican leadership wants to gag the Senate. Just as insurance companies delay and deny care, the Republican leadership is trying to delay and deny meaningful reform. Just as health plans want to avoid being held accountable when they kill or injure a patient, the Republican leadership wants to avoid being held accountable for killing patient protection legislation.

That is why the Republican leadership is trying to hide its tactics of delay and denial behind a smokescreen of parliamentary maneuvers and phony procedural justifications. They say we don't have time to debate managed care. They reject offer after offer from the Democratic leader, thereby continuing the stall of this critically important legislation. I say, the American people aren't interested in excuses. They want action. They want reforms. They want clean elections. This legislation will give it to them and it deserves to pass by an overwhelming majority of the Senate.

Mrs. MURRAY. Mr. President, this is the sixth year I have been a Member of the U.S. Senate. And this is the sixth year I can recall debating campaign finance reform. I have voted to pass campaign reform legislation in 1993, 1994, 1996, 1997, and now 1998. We actually passed a good bill in the Senate in 1993. Each time it has been killed off by filibuster.

Each time I thought, this is it. This is our chance to make some changes that the people of this country will notice and respect. This is our chance to restore a measure of faith in American democracy. While I've had my share of disappointments, today we are here again with a rare and valuable opportunity to actually get a bill signed into law.

Mr. President, it is critically important that we pass campaign reform legislation. The health of our democracy is not good. Yes, the economy is strong, crime is down, and people are generally feeling good about their lives. But there is an undercurrent that I find deeply troubling, and it's been building for the past two decades.

People simply do not like government. They do not trust government, and they do not feel like they are part of the process. They are losing faith and I think it would be terrible if we did not do something to re-invigorate peoples' interest in American democracy.

If any of my colleagues doubt this, just look at voter turnout rates and voter registration rates. People just are not participating any more, and it gets worse each year.

What exactly is the problem? Money, plain and simple. Too much money, having too much influence over our democratic process.

The campaign system is so clogged with money, there is hardly room left for the average voter. Political campaigning has become an industry in this country. In the last election, over a billion dollars were spent on federal elections alone. To what end?

That money—much of it undisclosed, from dubious sources—flowed into the political arena and dictated the terms of our elections to the people. Like water, it flowed downhill into campaigns all across the country. Some of it came out in the form of national party ads attacking candidates in the abstract; some came out in the form of issue-ads by interest groups trying to influence the outcomes. Some of it came out in the candidates' own TV ads.

It reaches the point where you almost cannot hear the voices of the candidates or the people anymore, only the voices of the dueling special interests. We do not know who pays for these ads, where they get their money, or what they stand to gain if their candidate wins. Yet they have found ways to have a huge influence over the election process.

Opponents of reform argue against the McCain-Feingold bill on free speech grounds. They argue politicians and political parties should be able to take money in any amount from anyone in order to make the case for their reelection. They believe that having more money entitles one to a greater influence over our campaigns and elections. I find this argument shocking, Mr. President. I find it profoundly undemocratic, and un-American.

The last time we debated reform, I told a story of a woman who sent my campaign a small contribution of fifteen dollars. With her check she enclosed a note that said, "please make sure my voice means as much as those who give thousands." With all due respect, Mr. President, this woman is typical of the people who deserve our best representation. Sadly, under the current campaign system, they rarely do.

I have tried to live by my word on this issue. My first Senate campaign was a shoe-string affair. I was out spent nearly three-to-one by a congressional incumbent. But because I had a strong, grassroots, people-based effort, I was able to win.

Since then, I have worked hard to keep to that standard. I have over 35,000 individual donors. The average contribution to my campaign is 69 dollars. Nearly 75 percent of my contributions come from within Washington state. I firmly believe that's the way campaigns should be run: by the people.

We need more disclosure, not less. We need more restrictions on special interest money, not fewer. We need less money in the system, not more. We need to amplify the voices of regular people, instead of allowing them to be shouted down by special interests.

Mr. President, the opponents of reform miss the point. In America, money does not equal speech. More money does not entitle one to more speech. The Haves are not entitled to a greater voice in politics than the Have-nots. In America, everyone has an equal say in our government. That is why our Declaration of Independence starts with, "We, the people."

When this Congress started, I thought this might really be our chance to pass a bill. The public was paying more attention. The excesses of the last campaign season, brought to light through the good work of the Government Affairs Committee, made campaign reform a front-burner issue in every kitchen in America. More than one million signatures were delivered to the Capitol from people all over America who joined a nationwide call for reform.

A bipartisan group of Senators committed to reform worked overtime to craft a reasonable reform measure that makes sense for America. I think we all owe a debt of gratitude to Senators MCCAIN and FEINGOLD for their work. They generated public support, made their case to the media, and pushed for the last few votes necessary to pass a bill. Well, the time has come to see if this is our chance to do the right thing.

Our like-minded colleagues in the other body did find the votes, and they did pass a good strong bill. The Senate has more than enough votes to pass the same bill on an up-or-down vote. All we need are eight more votes from the majority party to do the right thing for America. Mr. President, who will it be? Who will be the heroes on this vote? And who will let down the millions of American citizens who have grown sick, tired, and alienated from our democratic system?

Mr. President, I believe we have made this debate way too complicated. After all the maneuvering, the cloture petitions, the technicalities, the procedural votes, this issue boils down to one basic question: are senators willing to make some modest reforms to reduce the influence of big money in politics and encourage greater voter participation? Or are they more interested in protecting the current system, and the ability of parties and politicians to turn financial advantage into political advantage?

Are you for reform, or against it? Are you with the people, or against them on the need for a more healthy democracy? The votes we are taking today will show the answers to these questions.

Mr. CAMPBELL. Mr. President, today I add my voice to the on-going debate on the campaign finance reform bill that is before us once again. Let me say right up front, so that there is no confusion, I support, and I have always supported enforceable, reasonable, common-sense reform. Unfortunately, I don't believe the amendment offered by Senators MCCAIN and FEINGOLD before the Senate meets those standards, nor do I believe it would stand a Constitutional challenge. As I stated with my friend and fellow Coloradan, Senator ALLARD, in a joint editorial printed in the Denver Post back in October, "real campaign finance reform protects the right to free speech under the First Amendment while guaranteeing the public's right to

know through full disclosure." This amendment does not contain that kind of reform. The Constitution guarantees all Americans the right to freedom of speech and association in the First Amendment.

The Supreme Court applied those words to campaign spending in the landmark case Buckley v. Valeo to mean that money spent in favor or against a candidate is a form of speech, and therefore entitled to this protection. That decision has been reinforced over and over again. Given this ruling, I cannot believe that the Court, or the Founding Fathers, intended to impose a sixty- or thirty-day moratorium prior to elections on this right, as this amendment would do. I believe the Founders wanted Americans to have the unabridged right to speak their minds and show their support for candidates by using a collective voice, including showing support by making contributions to one candidate or another.

In order to have an educated electorate, money must be spent on spreading candidates' messages. In our free market system, advertising rates are determined by the industry. I would note that these days, there is hardly such a thing as a "free exchange of ideas," as nearly all forms of communication cost money. The exchange of ideas and opinions is what allows the public to become informed about the candidates that are seeking office. But limiting the amount candidates can raise and spend severely limits the ability to spread information about their backgrounds and opinions, and only harms citizens. I cannot understand why this amendment targets some forms of spreading these messages while allowing others to continue unchecked. Doesn't that signal to the American people that the First Amendment only applies to speech that is printed, and not speech that is broadcast?

I would note that my colleagues and I have been under tremendous pressure this session to pass this particular legislation. But until we have found a solution that answers all the Constitutional concerns that have been raised, I am reluctant to act on this particular measure. As was stated in an editorial that appeared in my state's Rocky Mountain News, this "particular piece of legislation would have betrayed several of the nation's most important principles, not the least of all is its guarantee of free political speech." I wholeheartedly agree with this sentiment.

Thank you, Mr. President. I yield the floor and ask unanimous consent that the text of this editorial be printed in the RECORD.

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

THE MCCAIN-FEINGOLD FRAUD

As those of you with the radio on last week probably know, Sen. Ben Nighthorse Campbell has been the target of an ad campaign by a coalition that supports something known as the McCain-Feingold bill, a campaign finance reform that died last Thursday in the U.S. Senate.

Various local journalists also joined the crusade, in one instance publishing Campbell's office phone number as a service to readers who wished to complain about his failure to support the bill.

But, in fact, that particular piece of legislation would have betrayed several of the nation's most important principles, not least of all its guarantee of free political speech. Under one of its provisions, for instance, groups focused on particular issues would be prohibited from mentioning the names of candidates in advertisements as elections drew near.

Can anyone with any understanding of the First Amendment honestly believe that Congress can constitutionally prohibit any organization of Americans from saying any politician at nay time it chooses?

The American Civil Liberties Union has correctly identified one probable result of McCain-Feingold: "to shut down citizen criticism of incumbent officeholders standing for re-election at the very time when the public's attention is especially focused on such issues."

The truth is, McCain-Feingold would probably have fixed very little on its way to hampering democratic discussion. It would not have become easier—and might well have become harder—to challenge an incumbent, especially if you happened to be a third-party candidate. For that matter, the most publicized campaign spending scandals of the past year involved activity that was already illegal. If the bill had been enacted, politicians probably would have figured out ways to circumvent it—and the Supreme Court probably would have declared it unconstitutional.

Sure, the present system is not pretty to look at. Politicians work constantly to raise money for their campaigns, and special interest groups are forever trying to influence legislation with their donations, usually by helping those who have helped them in the past. One possible reform is full, instant disclosure of contributions so that voters can themselves determine whether candidates are in danger of being bought.

Give people liberty, and their political system is going to be messy. Taking away some significant portion of that liberty is too high a price for cleaning things up.

Mrs. BOXER. Mr. President, I strongly support the McCain-Feingold amendment to reform the federal campaign finance system.

It is clear that a majority of the United States Senate supports the McCain-Feingold amendment. I urge senators to stop filibustering this extremely important matter, and let us pass the plan and send a bill to the president.

I want to explain what the amendment does and the kinds of abuses of the system that it would prevent.

First, it bans unlimited "soft money" contributions, which are contributions to national political committees like the Republican and Democratic National Committees.

Under current law, "soft money" contributions are unlimited and virtually unregulated. This means that a corporation with an interest in legislation pending in Congress—such as an oil company—can give hundreds of thousands of dollars to the national political parties in an attempt to influence the outcome of the legislation.

The McCain-Feingold amendment would shut down the special interest money machine by imposing limits on contributions to the national political parties.

Second, the McCain-Feingold amendment bans attack advertising disguised as "issue ads" by corporations and unions within 60 days of an election. The amendment also requires others—individuals and nonprofit organizations—to disclose their contributors and expenditures for these ads.

Current law allows anyone to launch vicious attacks against candidates and not disclose their true identity or the sources of their contributions, as long as the ad doesn't say "vote for" or "vote against" the candidate.

For example, a group of tobacco companies can get together, form a phony organization called "Citizens for Good Government", and have that "organization" spend millions of dollars for television ads attacking a congressional candidate who supports tougher tobacco laws. And those companies never have to disclose what they did.

This isn't just a hypothetical: In my own state, outside special interest groups regularly spend millions of dollars attacking California congressional candidates, often leaving those candidates mere spectators in their own election campaigns.

The amendment prohibits corporations and unions from buying these stealth attack ads, and anyone else—individuals and nonprofit organizations—has to disclose what they are doing.

Third, the amendment fixes a major problem in the law governing "independent expenditures", which are efforts on behalf of a candidate by someone not affiliated with that candidate's campaign.

Under current law, a political party can make "independent expenditures" on behalf of a candidate at the same time it is making expenditures that are coordinated with the candidate's campaign. Mr. President, this is an absurd situation! Clearly, a political party can't—at the same time, with the same political operatives, from the same office—be both "independent of" and "coordinate with" a political campaign!

The McCain-Feingold amendment allows a political party to do only one or the other: If the party makes "independent expenditures", it can't also make "coordinated" expenditures for the campaign.

Finally, the amendment requires faster and more complete disclosure of contributions to campaigns.

Mr. President, for these reasons, I urge my colleagues to vote for cloture on this amendment and move to passage so that we can send a bill to the president and make these changes in our campaign finance system.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. In light of the fact we have limited time, I ask that any time that is open here, a quorum call time, be charged to the other side.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I confess, I was not particularly attentive. What was the unanimous consent request?

The PRESIDING OFFICER. The unanimous consent request was that any quorum calls be charged exclusively to the time under the control of the Senator from Kentucky.

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

Mr. FEINGOLD. I ask that the time be equally divided with regard to the quorum call.

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

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

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

Mr. WELLSTONE. I ask my colleague from Wisconsin whether I can speak for 10 minutes.

Mr. FEINGOLD. I inform the Senator from Minnesota, we only have a total of 16 minutes remaining. Mr. McCAIN would like some time. If the Senator would like to speak for 3 minutes.

Mr. WELLSTONE. That is fine.

The PRESIDING OFFICER. The Senator from Wisconsin is to be advised that he has 11 minutes, 45 seconds remaining. The Senator from Minnesota is recognized for 3 minutes.

Mr. WELLSTONE. Mr. President, I had a chance to speak yesterday for about half an hour, so let me summarize this way:

First of all, I thank Senator FEINGOLD who I think has just emerged, really, as a leading reformer before the U.S. Senate for his work, along with Senator McCAIN. This is a bipartisan effort, and I, frankly, think it speaks to the core issue.

What I tried to say yesterday on the floor of the Senate is that as I think about a whole range of questions, over and over and over again, I come back to the fact that too few people have way too much wealth, power, and say, and too many people are just locked out. The polls show people want to have faith in our political process, people want to believe in what we are doing, but the conclusion that many people have reached is that if you pay, you play, and if you don't pay, you don't play, and that, basically, the same investors pretty much control both political parties; they control the political process.

So many people in Minnesota and across the country have reached the conclusion that when it comes to their concerns about themselves and about their families and about their neighbors and about their communities, that their concerns are of little concern here in the corridors of power.

I can't think of a better thing for us to do than to pass this piece of legislation. The Shays-Meehan bill passed in the House of Representatives. That was a very important victory. We now have an important vote on the floor of the Senate. There is an effort on the part of those who are opposed to reform to block this. That is what this is all about. We have a majority support on the floor of the U.S. Senate. I hope that other Senators will step forward and support this important piece of legislation, this important amendment offered by Senator McCAIN and Senator FEINGOLD.

As a Senator from Minnesota, a good government State, a progressive State, a State that cares about clean money and clean elections, a State that believes integrity in the political process is the most important thing that we can focus on, this piece of legislation, this amendment is the most important amendment that we will be voting on during this Senate.

I hope my colleagues will vote to end this filibuster and support this legislation.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FEINGOLD. Mr. President, in light of the fact that we have very limited time remaining, I ask that any time under subsequent quorum calls not be charged against our time.

The PRESIDING OFFICER. Is there objection? As a Senator from the State of Minnesota, I lodge an objection.

Mr. FEINGOLD. Mr. President, I am about to put in a quorum call. I am going to ask unanimous consent that we be able to use our remaining time near the conclusion of this debate. We have how much time remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has control of 8 minutes, 40 seconds.

Mr. FEINGOLD. I ask unanimous consent that we be permitted to use that time just prior to the end of the debate.

The PRESIDING OFFICER. Again, as a Senator from the State of Minnesota, I have to object. I can equally divide—objection is heard.

Mr. FEINGOLD. 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. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Sean O'Brien, who is an intern in my office, be granted the privilege of the floor today.

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

The PRESIDING OFFICER. Who requests time?

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

The PRESIDING OFFICER. The Senator does not have control of the time. Who seeks time? The Senator has control of time on the floor.

Mr. FEINGOLD. I suggest the absence of a quorum and ask that it be equally divided.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The legislative 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.

Mr. BUMPERS. Mr. President, I wonder if the distinguished proponent of this bill from Wisconsin, Senator FEINGOLD, would be willing to yield some time. Does the Senator have any additional time?

Mr. FEINGOLD. Precious little. I can yield the Senator 2 minutes of our remaining 8 minutes.

Mr. BUMPERS. My speech will be much better than sitting in a quorum call. I thought I might get more time.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. BUMPERS. Mr. President, I came over to express my very strong support for campaign finance reform. From the time I ran for Governor in 1970 until 28 years later—this very moment—I have abhorred the system of financing campaigns in this country.

One of the reasons—not the main reason, but certainly one of the reasons I decided not to seek reelection this year was because I detested going out and raising money.

Let me also say that it is reaching the point in this country where the cost of campaigning goes up every single year—and there is no end in sight.

Right now the Attorney General is conducting a 90-day interim period investigation on whether or not the DNC coordinated a 1996 campaign with the President of the United States. The same thing is going on with the Vice President. And the same thing will go on forever until we change it, and change it dramatically—soft money, hard money, issue ads, attack ads.

I close, Mr. President, by saying I consider not only the method of financing campaigns in this country ominous, quite frankly, I consider it rotten to the core.

I also want to say to the American people——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BUMPERS. Thirty seconds?

Mr. FEINGOLD. I yield the Senator 30 additional seconds.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BUMPERS. Anybody who believes that a democracy can survive when the people you elect and the laws you pass depend on how much money is given for the cause are daydreaming. It is dangerous to our system. It is dangerous to our democracy. I plead with my colleagues to vote for cloture on this matter.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, under the unanimous consent agreement, the vote is scheduled for the hour of 1:45?

The PRESIDING OFFICER. That is correct.

Mr. MCCAIN. This side has used all but 8 minutes of its time, and the other side has not used a significant amount of its time because there is an hour and 15 minutes approximately between now and when the vote is scheduled.

What we are trying to achieve here is, one, allow the debate to continue, and, two, allow the proponents of the legislation the opportunity to continue the debate.

I thought that this whole debate was being conducted in an atmosphere of comity. When I have been in other debates here on the floor of the Senate and there has been no one to speak in opposition or in favor of a particular amendment, then those who wanted to speak were allowed to speak.

If we are going to depart from that, Mr. President, OK. But I am asking unanimous consent, one, that the last 20 minutes be equally divided, 10 minutes on each side, but also I am asking unanimous consent that if there are no speakers in opposition to the legislation, that speakers in favor of the amendment be allowed to speak rather than just throw the Senate into a quorum call.

The PRESIDING OFFICER. Is there objection?

In the Chair's capacity as a Senator from Minnesota——

Mr. MCCAIN. Could I make one addition? I ask unanimous consent to add one addition to that. That is, when Senator MCCONNELL returns, and if he or any of the opponents wish to use their time, they clearly would be allowed to do so.

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

Mr. MCCAIN. I thank the President, and I thank my colleagues for their cooperation.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Under the unanimous consent agreement, I understand, as long as there are not opposition speakers present, that we can go forward without that being charged against our remaining time. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. FEINGOLD. Thank you, Mr. President.

In light of that, I wonder if the Senator from Minnesota has any additional remarks. I am prepared go forward, if he does not.

Mr. President, we have heard a lot of criticism of our bill during this debate on constitutional grounds. The Senator from Kentucky said once again yesterday something that he has said many times. He expressed his opinion that there is "absolutely no way" that our bill will be held constitutional by the U.S. Supreme Court. And obviously I disagree with that analysis.

Our bill has been carefully crafted to be consistent with the Court's decision in Buckley v. Valeo. The only way to find out who is right, of course—because you cannot call up the Chief Justice and ask him for advice or his opinion—the only way is by passing this bill, and allowing a court challenge to take place. I and other supporters of the McCain-Feingold bill are ready to defend this bill in court, and I sincerely hope that we will have a chance to do so.

The Senator from Kentucky does have one group on his side that does specialize in the first amendment, the American Civil Liberties Union. And he is fond of reminding us that the ACLU, "America's expert on the first amendment," as he likes to say, opposes our bill. Let me say, I have a great deal of respect for the ACLU in many areas. In fact, I may have agreed with them on more issues over the years than the Senator from Kentucky. But I think it is worth pointing out two things with respect to the ACLU's position on campaign finance reform.

First, the ACLU is on record many times as opposing the Court's decision in Buckley that limitations on campaign contributions are constitutional. In other words, the ACLU disagrees with the Court's ruling in Buckley. The ACLU believes, for example, that limitations on soft money donations to political parties would be unconstitutional. But that is an opinion that is by no means in the mainstream of constitutional thought.

In fact, as we have noted many times over the last year, we have a letter signed by 127 law professors who wrote to Senator MCCAIN and to me and gave their opinion that a soft money ban would be fully consistent with the first amendment and the Buckley decision and therefore would be constitutional.

Senator MCCONNELL once said it would be easy to find 127 law professors of his own to say that soft money cannot be banned, but so far no such letter has ever materialized. Senator MCCONNELL has been completely unable to come up with a list of constitutional scholars that would suggest that we cannot ban soft money, and I doubt that he ever could.

Second, there is a serious split within the ACLU itself. One of the most interesting and significant developments in this whole debate occurred just this past June during the House debate on campaign finance reform when a group of former leaders of the ACLU released a statement on their opinion of the constitutionality of the House version of the McCain-Feingold bill.

Mr. President, this isn't just one, if you will, disgruntled former leader of the ACLU. This statement was released by nine former leaders of the organization. They include every living person who has served as president, executive director, legal director, or legislative director of the ACLU for the past 30 years, except for one person who is currently in Government service and is not free to express his opinion.

That is quite a thing—all of those former ACLU officials indicating they do believe that this bill is constitutional. Let me just read from the letter of June 19, the statement of persons who have served in the American Civil Liberties Union in leadership positions supporting the constitutionally of efforts to enact reasonable campaign finance reform. They say:

> We have devoted much of our professional lives to the ACLU, and to the protection of free speech. We are proud of our ACLU service, and we continue to support the ACLU's matchless efforts to preserve the Bill of Rights. We have come to believe, however, that the opposition to campaign finance reform expressed by the ACLU misreads the First Amendment. In our opinion, the First Amendment does not forbid content-neutral efforts to place reasonable limits on campaign spending.

We believe that the First Amendment is designed to safeguard a functioning and fair democracy. The current system of campaign financing makes a mockery of that ideal by enabling the rich to set the national agenda, and to exercise disproportionate influence over the behavior of public officials.

Later in the letter the same individuals said,

. . . even within the limitations of the Buckley decision, we believe that significant campaign finance reform is both possible and constitutional. We support elimination of the "soft money" loophole that allows unlimited campaign contributions to political parties, undermining Congress's effort to regulate the size and source of campaign contributions to candidates. We believe that Congress, for the purpose of regulating the size and source of federal campaign contributions, may treat a contribution to the political party sponsoring a federal candidate as though it were a contribution to the candidate directly.

We also support regulation to the funding of political advertising that is clearly intended to affect the outcome of a specific federal election, but that omits the magic words "vote for" or "vote against". We believe that Congress may draft a narrowly tailored provision regulating the funding of so-called "issue advertisements" that mention one or more of the candidates, appear shortly before the election, and are geographically targeted in an obvious effort to affect the outcome of a specific federal election.

These individuals conclude by saying:

We believe that the current debate over campaign financing reform in the House of Representatives and the Senate should center on the important policy questions raised by various efforts at reform. Opponents of reform should no longer be permitted to hide behind an unjustified constitutional spokescreen.

I ask unanimous consent that the full statement of these nine former members of the ACLU be printed in the RECORD.

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

JUNE 19, 1998.

STATEMENT OF PERSONS WHO HAVE SERVED THE AMERICAN CIVIL LIBERTIES UNION IN LEADERSHIP POSITIONS SUPPORTING THE CONSTITUTIONALITY OF EFFORTS TO ENACT REASONABLE CAMPAIGN FINANCE REFORM

We have served the American Civil Liberties Union in leadership positions over several decades. Norman Dorsen served as ACLU General Counsel from 1969–1976 and as President of the ACLU from 1976–1991. Jack Pemberton and Aryeh Neier served as Executive Directors of the ACLU from 1962–1978. Melvin Wulf, Bruce Ennis, Burt Neuborne, and John Powell served as National Legal Directors of the ACLU from 1962–1992. Charles Morgan, Jr., and Morton Halperin served as National Legislative Directors of the ACLU from 1972–1976, and 1984–1992, respectively. Indeed, except for one person currently in government service, and, therefore, not free to express a personal opinion, we constitute every living person to have served as ACLU President, ACLU Executive Director, ACLU Legal Director, or ACLU Legislative Director during the past 30 years, with the exception of the current leadership.

We have devoted much of our professional lives to the ACLU, and to the protection of free speech. We are proud of our ACLU service, and continue to support the ACLU's matchless efforts to preserve the Bill of Rights. We have come to believe, however, that the opposition to campaign finance reform expressed by the ACLU misreads the First Amendment. In our opinion, the First Amendment does not forbid content-neutral efforts to place reasonable limits on campaign spending.

We believe that the First Amendment is designed to safeguard a functioning and fair democracy. The current system of campaign financing makes a mockery of that ideal by enabling the rich to set the national agenda, and to exercise disproportionate influence over the behavior of public officials.

We believe that Buckley v. Valeo, the 1976 Supreme Court case that makes it extremely difficult to reform the current, disastrous campaign financing system, should be overruled for three reasons. First, the Buckley opinion inappropriately treats the spending of money as though it were pure speech, no matter how high the spending limits may be. But such an approach ignores the long-established Supreme Court rule that when speech is inextricably intertwined with conduct, the conduct may be regulated if it threatens to cause serious harm. While we agree that unreasonably low spending limits would unconstitutionally impinge on free speech, the Buckley Court failed to recognize that there is a compelling interest in defending democracy that justifies reasonable spending limits. Reasonable spending limits would free candidates and officials to concentrate on substantive questions of public policy, instead of spending excessive time raising campaign funds. Reasonable spending limits would also free candidates from becoming trapped in an arms race mentality, where each candidate is forced to continue raising money, not because they wish to, but to prevent being outspent by an opponent.

Second, the Buckley opinion makes an untenable distinction between campaign contributions, which may be subjected to stringent government regulation, and campaign expenditures, which are virtually immune from regulation. The bright-line distinction between contributions and expenditures is neither analytically nor pragmatically defensible. By upholding limits on the size and source of campaign contributions, while preventing any effort to limit the demand for campaign funds by capping spending, the Buckley Court inadvertently created a system that tempts politicians to break the law governing campaign contributions in order to satisfy an uncontrollable need for campaign cash.

Third, the Buckley Court erred in refusing to permit the establishment of reasonable spending limits designed to avoid unfair domination of the electoral process by a small group of extremely wealthy persons. Instead of "one person-one vote", the Buckley decision has resulted in a regime of "one dollar-one vote" that magnifies the political influence of extremely wealthy individuals and distorts the fundamental principle of political equality underlying the First Amendment itself, causing great harm to the democratic principles that underlie the Constitution.

It is our hope that the current Supreme Court, confronted with the unfortunate practical implications of the Buckley decision, and the serious flaws in its constitutional analysis, will reconsider the decision, and permit reasonable legislative efforts to reform our campaign financing system.

Moreover, even within the limitations of the Buckley decision, we believe that significant campaign finance reform is both possible and constitutional. We support elimination of the "soft money" loophole that allows unlimited campaign contributions to political parties, undermining Congress's effort to regulate the size and source of campaign contributions to candidates. We believe that Congress, for the purpose of regulating the size and source of federal campaign contributions, may treat a contribution to the political party sponsoring a federal candidate as though it were a contribution to the candidate directly.

We also support regulation of the funding of political advertising that is clearly intended to affect the outcome of a specific federal election, but that omits the magic words "vote for" or "vote against". We believe that Congress may draft a narrowly tailored provision regulating the funding of so-called "issue advertisements" that mention one or more of the candidates, appear shortly before the election, and are geographically targeted in an obvious effort to affect the outcome of a specific federal election.

We believe that the current debate over campaign financing reform in the House of Representatives and the Senate should center on the important policy questions raised by various efforts at reform. Opponents or reform should no longer be permitted to hide behind an unjustified constitutional smokescreen.

Norman Dorsen, Jack Pemberton, Aryeh Neier, Melvin Wulf, Bruce Ennis, Burt Neuborne, John Powell, Charles Morgan, Jr., Morton Halperin.

Mr. FEINGOLD. Mr. President, I think this is a very significant letter that undercuts this, frankly, false notion that the soft money ban and some of the other key provisions in our bill are unconstitutional.

I am delighted now we have worked out the logjam on time and that the distinguished Senator from Arkansas is here to continue his remarks on this issue.

Mr. BUMPERS. I thank the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I want to lead off with one of Mo Udall's great statements: Everything that needs to be said has been said but everybody hasn't said it. So I want to get my two cents in before we vote on this measure this afternoon.

A moment ago, I said everything about this issue I feel strongly about, except for one thing: While I strongly support this legislation, I also believe that the ultimate solution to this problem is public financing. Unhappily, I will no longer be a member of this distinguished body when this Country and Congress finally comes to its senses and realizes that until we go to public financing, our democracy is simply not going to work. I am reluctant to make an admission today, but I have always prided myself on standing up for things that oftentimes were unpopular but I felt strongly were right.

I say to my colleagues, that I believe that one of the things that has sustained me is the reputation of having

taken a tough stance from time to time. But since I announced that I would not seek reelection last June, and as I have walked on the Senate floor to vote, I have pondered how much the freedom of not running for reelection has influenced my vote. Now, that being said, I have cast many unpopular votes that have irritated the people of my State, on such subjects as the Panama Canal Treaty, and partial-birth abortion. However, after I announced I wouldn't run again, I have asked myself, How would I vote on this if I were up for reelection and knew I had to raise $3 or $4 million?

I believe there isn't a person in this body who can truthfully and frequently say they are willing to take on interest groups. After all, we are supposed to be servants of our constituents. But oftentimes there are interest groups back home we are trying to satisfy because they have a block of votes. We might vote their way. Even if we vote our conscious, the public can never be sure our votes were untainted.

The second thing that influences our vote is how our support or opposition will affect our money supply. I saw a comparison in the paper this morning of two PACs, of House and Senate leaders and the amount of money that certain individual groups gave those leaders for their PACs. Staggering amounts of money. I don't care how altruistic it is for "Mr. Smith Goes to Washington," it is foolish in the extreme to argue that this is a free speech debate. Mr. President, 94 percent of the people who run for office in this country win if they have more money than their opponents. A lot of good men and women are defeated every year in this country because they are not incumbents and they can't raise money. The people who give the big bucks don't like to give their money to challengers because they start out behind and usually stay behind. Of the 33 Senate races this year, I daresay there will be very, very few changes, in any, of those seats. In almost every instance, the candidate who has the most money and spends the most money will win the election.

Sometimes I think about debates. I have the first amendment that we will consider on the Interior bill when we go back to it this afternoon. It is mine, and it is one that the mining industry of this country doesn't like. It is an environmental issue. I will make all of the arguments that I have made on this floor time and again, not only on that amendment but the whole issue of the 1872 mining law, which has been out of date for over 100 years now. God gave us one planet, only one. We don't get a second chance. Incidentally, I have always argued that the No. 1 problem in the world, of course, is population, but you can't argue that here because the first thing you hear is that somebody has converted it into an abortion argument. So we continue to neglect the No. 1 problem in the world; namely, the growing population of the planet. I saw a bumper sticker the other day that said, "Help save the planet, kill yourself." Clearly, that is a pretty draconian way to save the planet. We ought to be talking sensibly about population growth, as we have been regarding campaign finance reform.

I can go on and on about this, and will continue to do so until the taxpayers of this country understand that this is not an issue of free speech. If the American people buy this argument, they are essentially saying, "I'm willing for somebody else to have more free speech than I do because they have more money." As we all know, about 90 percent of the people in this country can't afford to contribute and don't contribute.

I had a few more remarks, but I understand the Senator from Georgia is pressed for time. I now yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I appreciate the suggestion by the Senator from Arkansas. I have to depart in a few minutes, so he may choose to continue his remarks at that point.

Let me say that I respectfully disagree with the comments we just heard from the Senator from Arkansas, as does the Supreme Court of the United States. I am comfortable that if every member of the Founding Fathers were here today, they would rise up in a loud chorus. The first amendment to the Constitution, in the Bill of Rights, makes it absolutely and abundantly and succinctly clear that there shall be freedom of speech. It doesn't define that somebody has this big a bucket and somebody has something else. It doesn't say a newspaper has the right to say anything it chooses, but some other kind of company will be constrained and managed by the Government.

Of all the things that I believe the forefathers were most concerned about, it was the management of expression, the management of speech. They were very careful. They were going to protect the American citizens' right to assemble. Until the late 1700s, in Great Britain two people could not get together in a club or in an association. Why? Because the government was afraid of people coming together. They might think up ideas; they might want to talk about them. So they said there will be freedom of speech, there will be freedom of the press, there will be a right to assemble, and there will be a right to petition the government—they didn't say it, but without fear. These four things are in the first amendment of the Bill of Rights. They are probably, to this day, the core of the American Constitution.

This has been tested over and over, and the Supreme Court has said that expression costs money. If you are going to have a town hall meeting, you have to rent the town hall. If you want to covey a message to a large audience, you can't go door to door; you are going to have to do it in a television ad or a newspaper ad. By the way, what is the difference between a corporation that publishes a newspaper or runs a television station and a corporation that makes tractors? Does one have a higher standing? Not under the Constitution. The outfit that makes tractors can spend money and express themselves just like a newspaper. Heaven help us if we ever come to the point where the only institution in our country that has freedom of speech is the media. If everything a political person does or a Government official does is only interpreted by the media, heaven help us. I used to say, if you are for the Government managing what people say, you better know the manager. You better know the manager.

This whole issue is dominated by the subject of freedom of speech. I heard the distinguished Senator from Kentucky say many times that if this ever became law, it won't last. The Supreme Court will strike it down, which is probably the case, but it ought not to become law. It ought not to become law. Anybody reading the rulings of the Supreme Court understands very clearly that expression and financing expression are one and the same and cannot be separated.

The last institution in the world that the forefathers would have ever wanted to manage speech is the Government. In fact, if you look at the Constitution from top to bottom, it is designed to protect us from Government—our own Government. They fought a revolution over this. They knew well what was happening in Europe. They looked over and saw what was happening in Ireland and said that is not going to happen in America. Of all the language in the Constitution, the most carefully crafted language for which there can be no question about its interpretation is the first amendment of the Bill of Rights. Freedom of speech shall not be abridged.

This legislation does that. It abridges and begins to manage who can say what, when they can say it, and how much of it they can say. And any Government official ought to be very wary of a situation where one group of Americans can say anything they choose, at any time, with any intensity, and another group of Americans can only say what somebody else decided they should say, when they should say it, and how much.

Mr. President, I could never support anything like that, as frustrated as we all get. Every American, at some point, has been affronted by freedom of speech. It has been frustrating to them

to hear what somebody says or how they express themselves. I have been and everybody else has been. But better to suffer the frustration than to give that liberty to somebody to manage speech. America would never be the same.

Mr. President, I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me just conclude my remarks by reiterating something I said earlier about the issue of free speech. We all know that the difficulty is a constitutional one because the courts have ruled that this is a free speech issue. But it can be overcome. It can be overcome with the McCain-Feingold bill. It can be overcome with public financing. There are all kinds of ways to amend the way we finance campaigns in this country without violating free speech. But let me just ask my constituents—no, let me ask my colleagues—no, my colleagues have already made up their minds. Let me ask the American people: Do you think we have a nice, democratic, fair system of electing Members of the House and Senate when some fat cat can give a candidate $4,000; he and his wife can give a candidate $4,000—$2,000 for the primary, $2,000 for the general. I ask you, how much can a working man making $10 an hour on an assembly line give? The question answers itself. If he has a wife and two kids, he can't give anything. I don't care how much he may love a candidate; he is not in a position, at $10 an hour, to be making political contributions.

The second question: When a candidate gets $4,000 from a fat cat—when legislation is being considered in the U.S. Congress, who will get the candidate's attention? The poor stiff with a wife and two children to feed, educate and clothe and who is trying to make a living? How much attention is he going to get compared to the guy who gave $4,000? Now, that is an illustration that is palpably clear to everybody.

Herman Talmadge, one of the great Senators who served here, had a lot of sayings in making speeches. He said, "If you want your audience to pay attention, you've got to throw the corn where the hogs can get to it." You have to say it so people can understand it. What I just said is understandable. It is essentially as much a one-line description of what this debate is about as anything I can conjure up.

The guy that gave $4,000 gets a lot of free speech, and a lot of the free speech he gets goes right into the ear of the Senator or the Congressman that got the $4,000. And when the phone call comes into the office from the poor guy making $10 an hour, with a wife and kids, because he wants a passport or because he knows a friend from Bolivia that is being mistreated under the immigration laws, do you know where his phone call goes if it is answered at all? It goes back to the staff. Where does the call go from the guy who gave $4,000? You and I both know where it goes. It goes directly into the office of the Senator. Do you call that free speech? Do you call that a democracy?

It is impossible to keep up with the campaign finance laws as they are written today. One of the things AL GORE is charged with is making a phone call from his office to solicit money.

I am not going to say anymore about that because everybody here understands that. The President is under investigation now under a 90-day sort of determination by the Attorney General as to whether or not in 1996 his campaign coordinated some ads with the Democratic National Committee.

Today my side is going to lose. The way we finance campaigns is going to continue exactly as it has been since the memory of mind runneth not, and investigations of either Democrats, or Republicans, or both will continue. It is impossible to level the laws of this country, and in this very hostile partisan environment.

Sometimes I think about offering a resolution in the Senate saying it is the sense of the Senate that there are some Democrats who have not yet been investigated and we want to know why.

We will continue to lose this debate until the American people wake up not only to the corruption of the financing laws of the country, but to the fact that their democracy is disappearing right under their nose.

It is so difficult at times to get people to focus on something that is a little bit complicated. They don't understand. Since it doesn't really relate to them, they just do not want to be bothered.

Republicans—I will hand it to them. They are zealots. Rain or shine, they go vote. My party—we have to ride in the sunshine. In all fairness, I have to say that we represent a lot of people who do not own automobiles. They oftentimes don't have ways to get to the polls, unless some of that campaign money is given to drivers to go out and get them and bring them in.

I saw a poll that showed that 71 percent of all Republicans say they are going to vote, and about 60 percent of the Democrats say they are not going to vote. Unless that figure changes, I can tell you what this election is going to do. I assume the President has to take some responsibility for that. I just do not know. He is my friend, and that is a separate subject. We will deal with that later.

But even absent the Starr report, absent Monica Lewinsky, we had a plateful for the American people to ingest. Part of that plateful is corruption, which is, in my opinion, as threatening to the Nation as the Kenneth Starr report is.

I suspect this country is in a bit of a funk today. I haven't looked at the market yet. It started off down this morning. I think that is all the result of people being upset and depressed—and, is the country leaderless? How is this all going to come out? Is it going to take 5 or 6 months to get this resolved? All of those things.

Tonight, when you listen to the news, that is all you will hear. Tomorrow night, when you listen to the news, that is all you will hear.

And here is something that goes right to the heart of whether we survive as a democracy, or not. Frankly—I hate to condemn the public—they are not paying attention. Every poll shows it. What is the most important thing to you? Campaign finance is about tenth on the list. Democrats keep trying to make it a big issue, trying to get people to pay attention to it, and in all fairness, seven or eight Republicans. But how can you expect them to when they hear absolutely nothing on the evening news but Monica Lewinsky and Kenneth Starr's report. As I say, I am not condemning the American people. That is just the way we are made. That salacious stuff is a lot more exciting than talking about campaign finance reform, which is complex.

Mr. President, I have said all that I want to say, and all that I need to say. But I especially wanted to put in the part about free speech.

It is so tragic that everybody here knows who is getting the free speech, and everybody knows whose voice is not heard because of the way we finance campaigns. I say that we ought to go to public financing. That way every person in this country who is a taxpayer would know that his vote was as important as anybody else's. His voice would be as important as anybody else's. As long as it is the richest and the wealthiest people who determine the outcome of elections in this country, where do you think we are headed? I will leave that question with you.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GRAMS. Mr. President, I am pleased to rise today to express my concerns about the pending McCain-Feingold amendment.

Since the beginning of the 105th Congress, I have heard from Minnesotans on a variety of important issues such as high taxes and the future of social security. Despite the public outcry by my constituents to address these issues

important to America's working families, I am very concerned that the Senate is again debating a proposal to regulate political speech.

I commend Senators MCCAIN and FEINGOLD for their deeply held views that the only way to restore the public's trust in their government is to reform the system for financing our federal campaigns. As someone who has heard first-hand of the public's growing mistrust of their government, I strongly agree with their belief that the people's trust in their government should be restored and their participation in our democracy encouraged.

However, I respectfully disagree with their approach to the passage of new campaign finance laws.

By the way, these new laws become even more restrictive on who can be involved, what they can say, and how they can be a participant in the public policies of this country.

The people's faith in the Government can be restored, I believe, by encouraging greater enforcement of our existing campaign finance laws, rather than going out and trying to ignore the laws that were broken, and passing new laws that again would only silence those Americans who wish to have their voices heard.

Each time the Senate has considered a version of the McCain-Feingold proposal, Minnesotans have contacted me in large numbers not in support of its passage but out of great concern for its potential impact upon their first amendment right of free speech guaranteed by the U.S. Constitution. Moreover, they have demanded that Congress focus more on the allegations of campaign finance irregularities during the 1996 campaign cycle rather than passing new campaign finance laws. In other words, not to brush over those laws that were broken or those who broke those laws and try to camouflage this by saying all we have to do is pass new campaign finance laws and everything will be fixed. That is like trying to pass new laws every day to take care of old problems. We need to get to the source of the problem.

In this regard, I am encouraged by Attorney General Reno's recent decision to initiate a 90-day investigation of whether President Clinton's involvement in Democratic National Committee campaign advertisements in 1996 circumvented election laws. And the Attorney General should also be commended for continuing the Justice Department's investigation of whether Vice President GORE unlawfully raised campaign contributions from the White House, and the activities of former White House Deputy Chief of Staff, Harold Ickes, during the 1996 campaign cycle.

Current law works if we enforce it. Despite the modifications that proponents of McCain-Feingold have made to improve support for this initiative, my views on its basic premise have not changed. Similar to the previous versions of this bill, this proposal will discourage rather than promote greater participation in the democratic process. They always talk about big money and how that controls the process and how we should be encouraging and what we should be doing to encourage more people, those $10-an-hour workers who we have heard about in the Chamber today, to become a voice no matter how small, and to participate in the political process. The way they can do that is through PACs, political action committees, and that is where a lot of people with little incomes can put their money together to have a stronger voice in how their government works and how it operates, and we should encourage that, not discourage it.

Most fundamentally, the McCain-Feingold proposal continues to be based upon the belief that there is too much money spent on American elections—too much money. About $3.50 per person per year is spent on campaigns, totally, in this country. That is less money than we spend on a Value Meal at McDonald's.

I remember talking to somebody about the United Nations. We spend about $3.81 per person per year supporting the United Nations, and everybody thinks we get a great deal out of that. But yet we spend less money per person to support our way of government in this country, and somehow they say that is spending too much money. So the whole political process in this country is worth less to the supporters of the McCain-Feingold bill than our support perhaps, say, for the United Nations. I think we need to support this form of government and encourage more people to participate, not to close the door and say that this is how you can participate or we are going to manage what you say, how you say it, when you can say it, and who can afford to say it.

If we accept this assumption, then Congress has decided to assert questionable authority to suppress the rights of Americans to become involved in the political process and suppress the rights of many Americans to have their voices heard.

As my colleagues know, the belief that there is government justification for regulating the costs of political campaigns was rejected by the Supreme Court in the landmark case of Buckley v. Valeo. The importance of conveying the ideas of those who seek office to the electorate is critical and was upheld by the U.S. Supreme Court in Buckley. And in Buckley the Court declared that "a restriction on the amount of money a person or groups can spend on political communication during a campaign necessarily reduces the quantity of expression by restricting the number of issues discussed, the depth of their exploration, and the size of the audience reached. This is because virtually every means of communicating ideas in today's mass society requires the expenditure of money."

That is from the Buckley v. Valeo Court decision. They label this bill as an effort to protect and preserve democracy. They say that democracy is disappearing because of this. But this bill would not protect free speech. It would only limit free speech. I would like to ask those watching today that if you can restrict the speech of one American today, whose speech can you restrict tomorrow? Are you going to give the government this much control and say, well, let's do it today to protect this process, but in doing this we are going to have to take away some of your freedoms? We are going to have to impose restrictions. We are going to manage those who want to participate in the political process. And if we can do that today, who is going to come tomorrow and say, well, let's squeeze these restrictions a little more? And then who is going to come the next day and say, well, let's squeeze these restrictions a little more? And pretty soon we are going to take the ability of free speech, to participate in our political process, away from Americans. And then who is going to have a voice? Is it going to be the media, the newspapers, television? Are they going to be the ones that define my campaign or Senator MCCAIN's campaign or maybe Senator FEINGOLD's campaign? I think we need to have that freedom.

For these reasons, I remain concerned about the core provision of the McCain-Feingold bill which continues to place, again, questionable new restrictions upon the ability of national parties to support State and local party activities as well. We should not pursue a suspect expansion of government control of national parties; rather, recognize that political parties enjoy the same rights as individuals to participate in the democratic process.

For nearly two decades, political parties have been allowed to raise money for party building and similar activities without limits on the size of contributions. Additionally, the Supreme Court decision in Colorado Republican Federal Campaign Committee v. FEC, in which the Court found that Congress may not limit independent expenditures by political parties, makes it questionable whether these restrictions would be constitutional.

We have a responsibility to the American people to help restore their faith in government. However, this cannot be accomplished by placing new and expansive restrictions on the communication of ideas or the issue of free speech. And above all else, we should not use violations of existing laws that have raised a lot of this concern and ire of Americans over campaign financing—those violations of existing laws

should not be used as an argument today to suppress our right of free speech.

I thank the Chair. I yield the floor.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, no one has been more active in the vineyards of the first amendment than the Senator from Minnesota. I thank him for his important contribution to this debate and his astute observation that to the extent the parties and groups are quieted, the voices are enhanced on the other side, or that is anybody's voice that is not quieted is necessarily enhanced by that action, and in particular the fourth estate, our friends in the press, who love this issue, would have a dramatic increase in political clout as a result of the quieting of the voices of so many other Americans.

So I thank my friend from Minnesota for his observations.

Mr. GRAMS. I thank the Senator.

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

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

Mr. McCONNELL. Mr. President, the fundamental notion underlying the McCain-Feingold bill is that politicians should be allowed to control all of the political speech in proximity to an election except for that by the press. The press would be free and unfettered in engaging in issue advocacy, in endorsing candidates, and doing anything it wanted to under the first amendment at any time, up to and including the last 60 days before an election. I do not dispute that. I think they should have that right. But I find it disingenuous at best—absurd, the more you think about it—that the press would like to quiet the voices of others.

First, they would like to quiet the voices of the parties by eliminating so-called soft money. Mr. President, "soft money" is a pejorative term for non-Federal money. This is a Federal system. There are State elections, there are local elections; the two great national parties frequently care who gets elected Governor of Arizona or who gets elected to the city council in Phoenix. The notion that the Federal Government should federalize the two great national parties is absurd, inappropriate, and unwise.

In addition to that, it would provide for the Federal Election Commission the power to supervise every election in America. In other words, we would federalize the entire American political system. This kind of notion of Federal power grabs and the quieting of voices also applies to what the McCain-Feingold bill seeks to do to individuals and groups.

Under this bill, it would be very difficult if not impossible for individuals to express themselves, or groups to express themselves, within 60 days of an election. "Quiet those voices, too," the politicians say. So we will quiet the parties by making it impossible for them to involve themselves in State and local elections, and make it impossible for them to engage in issue advocacy, constitutionally protected speech, and we will also reach over to the issue advocacy of everybody else and we will make it impossible for them to criticize any of us within 60 days of an election.

This is a great idea for incumbents. We all would like to control our elections, and this would sure give us a way to do it. We would not have to worry any longer about those nasty interest groups that don't like our voting records going out there in the last 2 months before an election and saying bad things about us; we would shut them up. We wouldn't have our political party coming in to defend us or, for that matter, the other political party coming in to attack us; we would shut them up.

In short, we would just sort of hermetically seal the environment for 60 days before an election, with the exception of the New York Times, the Washington Post, USA Today, and all the other folks who would still be free—as they should be free—under the first amendment to have their say at any point in the course of a year, including the last 60 days before an election.

Mr. President, this is terrible public policy—terrible public policy—disguised as some kind of positive reform. The good news is, we are not going to pass this bill, but if we had passed it, the issue advocacy restrictions on outside groups would certainly not survive the first Federal district court in which it landed, and I guarantee you, it would land there very, very quickly. When something is so clearly and obviously unconstitutional, it seems to me that the Senate ought not to pass it.

With regard to the political parties, why in the world, Mr. President, should we prevent the political parties from engaging in issue advocacy? Everybody else in America will be able to do it, because I guarantee you, the restrictions on independent groups in this bill would be struck down. There is not a serious constitutional lawyer in the country who doubts that.

Everybody would be free to have their say in the last 60 days before an election: Outside groups, because the restrictions on them would certainly fall as unconstitutional; the newspapers, because no one really wants to shut them up. We don't frequently like what they have to say, but they have a right to say it. But the political parties are conceivably taken off the playing field—the one entity in American politics that, for example, is willing to support challengers, those trying to come from nowhere to get elected. It is not easy to be a challenger. The one entity out there willing to support challengers is the political parties. We ought not to be making them weaker, we ought to be encouraging them to be strengthened.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes, 50 seconds remaining.

Mr. McCONNELL. I yield the remainder of my time to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the Senator for yielding.

Sometimes the wrong debate happens at the wrong time, and the debate that we have heard on this floor for the last several days, in my opinion, is the wrong debate for a lot of reasons. We shouldn't be talking about changing laws, but enforcing the very laws we have.

I think all of us watched as the Congress decided to change campaign laws a good number of years ago to make them much tougher and tighter, to create reporting thresholds, and to make sure that the public was well aware what went on in the campaign business of our country and in the fundraising business of our country.

Several of our colleagues have already spoken today about the ongoing investigations into campaign finance abuses. Those abuses didn't happen because the laws were inadequate. It doesn't mean that you are going to get character change all of a sudden because of a myriad of new laws that this Congress might pass.

Now the spin machines are using the issue of campaign finance reform to suggest that the entire system is crooked and corrupt. Mr. President, and American citizens, that just "ain't" so. There are some people in the system who have chosen to corrupt it, but the campaign system we have today is alive and well, as it should be. Most of us play by the rules, and the rules are tough, and they are exacting. The reason they ought to be is to assure the right of all political candidates to speak out and to make sure that the American public can have, as they should have, the proper access to the political process.

The votes that are going to occur on this floor in the next few moments are absolutely critical. I am frustrated by many of my colleagues who stand up and suggest that the political system that we have today is a corrupt system. It has been corrupted by some, and those who are corrupting it are under

investigation today. But clearly it is a system that works—it works very well—reporting to the public, as we should, what is the right and responsible thing to do, particularly at a time in our history when confidence has been shaken in some of our institutions.

It is absolutely imperative that we do not put new restrictions into the ability of the politician, the public person, to communicate with his or her constituents in an open and frank manner. Existing law allows that. I don't think we need to be tampering with our first amendment or suggesting in some way that we can make it a lot better. We just simply need those few who corrupt the system to abide by the laws as they are currently written and currently administered.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky has 30 seconds remaining.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from Idaho for his contribution to this debate and the other Senators who spoke on our behalf during this discussion. This is a very important issue affecting the first amendment and the rights of all Americans to speak in the political process. I am confident that the motion to invoke cloture will not succeed.

I yield back the remainder of my time.

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

Mr. FEINGOLD. Mr. President, I yield such time as the Senator from Arizona requires.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, first, let me begin by thanking all those who have fought so very hard to pass campaign finance reform, both within this body and without. I specifically mention by name the measure's cosponsors: Senator THOMPSON, Senator SNOWE, Senator COLLINS, Senator LEVIN, Senator LIEBERMAN, and Senator JEFFORDS. All have expended great energy to keep this issue before the Senate.

Also, I again thank my colleagues in the House, Congressman SHAYS and Congressman MEEHAN. We would not be doing what we are doing today if it had not been for their signal and unpredicted victory.

Most importantly, I thank my partner on this 4-year journey, the Senator from Wisconsin, RUSS FEINGOLD. His work on this issue has been outdone by none. His efforts are tireless, and he deserves great praise for bringing us to this point today. Together we have worked to do the bidding of the majority of the American people. We worked to pass legislation that is supported by majorities in both Houses, although a minority has continued to thwart our efforts. But time is on our side.

Yesterday and today, I have quoted previous debates on this subject. One fact that is clear in every one of these debates is that, with persistence, we will prevail. I hope we prevail today. If we do not, I will be back to offer campaign finance reform legislation again and again and again. Neither I nor the Senator from Wisconsin will relent. The will of the American people, their desire to see what they perceive as a corrupt election system cleaned up, cannot be perpetually ignored. The public wants us to act.

Low voter turnout—and we will perhaps see the lowest voter turnout this century, this November—is ample proof of the growing cynicism of the electorate. That cynicism, if left unchecked, will grow to contempt and shake the foundations of this great Nation. Let us not procrastinate further. Let us confound public cynicism and accede to the country's wishes today.

The Senate was conceived by our Founding Fathers as an institution that acts deliberatively. Certainly we have seen this occur on this matter. But it was not conceived to block indefinitely the will of the people. Many significant matters have been slowed or stalled in this body. Many have taken years to pass. Campaign finance is undoubtedly one of those subjects. But to repeat myself yet again, this body will act and pass campaign finance reform. If not today, then soon. It will happen. Delay is not resolution, merely postponement of the inevitable and thus pointless.

Until we recognize the futility of procrastination, the money chase in this hallowed Capitol, the debasement of the White House, the selling of trade missions, the never-ending series of fundraising scandals that leads the public more and more to believe that elected officials only represent monied special interests will not end.

Congress can and must and will change this system. If we do not act, there will be more scandals, both parties will be further tainted by this system, no one will be left unscathed, and that fact will force this body to do what is right.

When do we as a body come to realize that something must be done? And to my Republican colleagues: When will we realize it was our ideas, not our fundraising prowess, that got us to power? The American public granted us the majorities in both Houses because, I would argue, our ideas were superior to those of the opposition. Our ideas represented what a majority of Americans felt and believed. We do not need to fear a new campaign finance regime so long as we continue to best represent the public interests. And because I so strongly believe that fact, I appeal to my Republican colleagues to support cloture and allow us to move forward on this matter.

Finally, Mr. President, let me close by again putting my colleagues on notice. If we cannot move forward today, we will soon. To those who will proclaim the issue dead, nothing—I repeat, nothing—is further from the truth. As long as I am privileged to serve in this great institution, we will revisit campaign finance reform again and again. We will revisit the subject until it becomes the law of the land. We will revisit it because the will of the majority over time always prevails. And we will revisit it because it is the right thing to do.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. How much time is remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes.

Mr. FEINGOLD. Thank you, Mr. President.

Let me take this opportunity to thank all of the cosponsors and all the supporters of this bill, especially the senior Senator from Arizona who came here with the idea for this legislation I guess it is now 4 years ago.

I thank everyone for their efforts in the past but, more importantly, for their continued efforts in the future, including this year, on trying to finish the job. So I have a feeling of gratitude, not only for what we have done but for what we will accomplish before we are done.

Let me take the very brief time I have just to refer to a statement by the Senator from Idaho which I think really sums up this whole issue. He just got done saying on the floor that the current campaign system is "a system that works very well." He said, "The campaign finance system is alive and well, as it should be." That is what the Senator from Idaho said.

Well, if you agree with that statement, I guess you will want to vote against cloture. But that is not what the American people believe. They think this system is broken. And it is not just a few people who are corrupting the system, it is the system that is corrupt, and we have to do something about it now.

So, Mr. President, I urge my colleagues to vote for cloture. The time has come for the additional eight Senators to allow the majority of both Houses of the Congress to send this bill on to the President.

I yield the floor.

The PRESIDING OFFICER. The Senator has 1 minute remaining. Does he wish to yield the time?

Mr. FEINGOLD. I reserve the time.

I yield the remaining time I have to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the struggle for life for campaign finance reform is going to be determined by a test of wills between the bipartisan majority that believes in it, reflecting the will

of the American people, and the minority that will attempt to filibuster this bill to death.

The supporters of campaign finance reform need not withdraw, should not withdraw, and I believe and hope will not withdraw the bill if the filibuster survives this cloture vote. It will then be up to the filibusterers to continue the filibuster. Hopefully, over time they will see that the American people are determined to change a system which is not only corrupt but has a corruption which permeates and undermines public confidence in our democratic electoral process.

I thank the Chair and yield the floor.

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 pending campaign finance reform amendment:

Trent Lott, Connie Mack, Ben Nighthorse Campbell, Thad Cochran, Wayne Allard, Rod Grams, Larry E. Craig, Kay Bailey Hutchison, James M. Inhofe, Richard G. Lugar, Mitch McConnell, Jeff Sessions, Rick Santorum, Don Nickles, Dan Coats, and Lauch Faircloth.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 3554 to S. 2237, the Interior appropriations bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 52, nays 48, as follows:

[Rollcall Vote No. 264 Leg.]

YEAS—52

Akaka	Feinstein	McCain
Baucus	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Inouye	Reid
Bumpers	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Thompson
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	Wyden
Durbin	Levin	
Feingold	Lieberman	

NAYS—48

Abraham	Ashcroft	Bond
Allard	Bennett	Brownback
Burns	Grams	McConnell
Campbell	Grassley	Murkowski
Coats	Gregg	Nickles
Cochran	Hagel	Roberts
Coverdell	Hatch	Roth
Craig	Helms	Santorum
D'Amato	Hutchinson	Sessions
DeWine	Hutchison	Shelby
Domenici	Inhofe	Smith (NH)
Enzi	Kempthorne	Smith (OR)
Faircloth	Kyl	Stevens
Frist	Lott	Thomas
Gorton	Lugar	Thurmond
Gramm	Mack	Warner

The PRESIDING OFFICER (Mr. ROBERTS). On this vote, the yeas are 52, the nays are 48.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, the Senator from Florida, Mr. GRAHAM, is recognized in morning business for 1 hour.

The Senator from Florida is recognized.

Mr. FEINGOLD. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. FEINGOLD. Mr. President, upon the conclusion of the time of the Senator from Florida, what is the regular order?

The PRESIDING OFFICER. The pending business will be the Interior appropriations bill.

Mr. FEINGOLD. Will the current amendment, the Feingold amendment, be the pending business?

The PRESIDING OFFICER. That will be the pending question.

Mr. FEINGOLD. Thank you, Mr. President.

The PRESIDING OFFICER. The distinguished Senator from Florida is recognized.

PRIVILEGE OF THE FLOOR

Mr. GRAHAM. Thank you, Mr. President. Mr. President, I ask unanimous consent that Delia Lasanta, a congressional fellow, Mary Jo Catalano, and Luis Rivera, interns in my office, be allowed floor privileges for the duration of this 1 hour of morning business.

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

NATIONAL HISPANIC HERITAGE MONTH

Mr. GRAHAM. Mr. President, today I rise to honor Hispanic Americans.

National Hispanic Heritage Month is celebrated every year from September 15 to October 15.

This month-long observation, established in 1968, is now a celebration of the history and achievements of Hispanic Americans.

During the August recess, among the many visits I made throughout my state, I had the opportunity to once again visit the historic city of St. Augustine.

A visit to St. Augustine is always very special but this time it was more so because accompanying me on this trip were my triplet granddaughters. I took advantage of this occasion to teach my granddaughters about the rich and wonderful history of St. Augustine, of Florida and of our Nation. And they taught me something about the thrill of seeing castles and historic sites for the first time through the fresh eyes of a 3-year old.

Hispanic presence in what is now the United States began long before our Nation existed.

In 1513, Juan Ponce de Leon sailed from Puerto Rico to the east coast of Florida.

A Spanish explorer, Ponce de Leon is best remembered as the discoverer of Florida and for his early attempts to colonize in 1521.

He was also the first Governor of Puerto Rico which today is home to 3.8 million U.S. citizens.

In 1565, Pedro Menendez de Aviles, another Spanish explorer, established St. Augustine, the first permanent European settlement in what is now the United States. This settlement predated the Jamestown colony in Virginia by more than 40 years.

When he reached the shores of La Florida, Menendez de Aviles and his crew celebrated with a feast with the Native American Indians of the region, by bringing red wine, roast pig and garbanzo beans. Thus began another part of our rich Hispanic heritage.

Nearly 300 years later, the United States was rapidly developing and experiencing its first 50 years of democracy. Hispanic Americans played their role in that development.

The first Hispanic American to serve in the Congress was Joseph Marion Hernandez, who was elected in 1822 as a Delegate to the U.S. Congress from the territory of Florida. Today there are 5,170 Hispanic elected officials nationwide, 81 of them proudly serving in my State of Florida.

Of the 18 Hispanic Members of the 105th Congress, two are from Florida, Congresswoman ILEANA ROS-LEHTINEN, who in 1989 became the first Hispanic woman Member of Congress and her fellow Cuban-American Congressman LINCOLN DIAZ-BALART.

Today Florida is an example of the rich diversity of this country, as we have residents from all the Spanish speaking countries of the world.

Sadly, many of these residents came to this country from countries such as Cuba and Nicaragua seeking refuge from persecution and denial of basic human rights which they were denied in their homeland.

These residents hold a strong patriotic fervor for their new land in the United States equally with their hopes of restoring liberty and democracy to their former home in Cuba. They will return to a Democratic Cuba with their

experience in the United States being a significant contribution, whether they are there on a permanent or a temporary basis, to the restoration of that island nation, which has suffered so long under autocratic rule.

The latest Census Bureau figures now estimate that the U.S. Hispanic population nears 30 million, representing 11 percent of the total population of the United States.

The Bureau also estimates that by the year 2005 Hispanics will be the single largest minority group in this country.

Hispanic Americans have achieved notable success in every aspect of our society.

It is important to highlight the level of entrepreneurial spirit that Hispanic Americans bring to the work force, leading to economic growth for all Americans. According to the Small Business Administration, the largest growing sector of small businesses are owned by Hispanic women.

Hispanic owned businesses have grown three times faster than the average of all business growth in the United States.

Hispanic Americans have played, and will continue to play, a key role in our country's future.

The commitment of Hispanic Americans to this country's ideal of freedom and democracy have never faltered.

Hispanic Americans have volunteered and served this country with distinction in every branch of our nation's armed services and their sacrifices on the field of combat are ample evidence of their patriotic commitment.

The fact that there are forty-two Hispanic Congressional Medal of Honor winners is a most eloquent testimony of this commitment to freedom and democracy.

In March 1997 Senator LARRY CRAIG and I, along with a bi-partisan colaition of our colleagues introduced S. 472 to provide the nearly 4 million U.S. citizens of Puerto Rico with a congressionally sanctioned plebescite to democratically vote on their future political status.

On more than one occasion I have spoken of our moral commitment to answer the legitimate request for self-determination by our fellow citizens who are residents of Puerto Rico.

On July 25 of this year, Puerto Rico commemorated the 100th anniversary of the arrival of U.S. Major General Nelson Miles and his troops on Puerto Rico's shores. On that historic occasion 100 years ago, General Miles declared that the United States came, to use his words, "bearing the banner of freedom * * * the fostering arm of a nation of free people, whose greatest power is in justice and humanity to all those living within its fold."

One hundred years after those valiant actions and eloquent words, the U.S. citizens of Puerto Rico continue to wait for the fulfillment of that promise of justice and humanity. For the last century, they have been denied the most fundamental right of a free people, the right to choose their own political destiny.

One of the most fundamental principles of our nationhood was expressed in the Declaration of Independence when our forefathers wrote:

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.

That, Mr. President, is what our Founding Fathers wrote over 200 years ago. Now the challenge we face in 1998 is whether we are prepared to live by those principles of consent of the governed.

Today I am here to ask, what better way to honor all Hispanic Americans, to commemorate their sacrifices and contributions to our great Nation, than to provide the U.S. citizens of Puerto Rico with their long frustrated dream of political self-determination?

Earlier this year, our colleagues in the House passed a bill authorizing a plebiscite, a plebiscite to initiate self-determination. The Senate has closely examined this issue through a series of hearings and workshops conducted by Energy Committee Chairman MURKOWSKI. After careful and exhaustive deliberations, Senator MURKOWSKI has drafted a bill which simply authorizes a self-determination process for Puerto Rico. Senator MURKOWSKI's bill is straightforward; it is fair; it recognizes and respects Puerto Rico's local political dynamics and delivers the much-needed congressional endorsement of this process.

We have before us a rare opportunity, an opportunity to support democracy in action. Senator MURKOWSKI's bill should be given full consideration before the adjournment of this Congress. This is an issue that will not go away. The historic significance of the U.S. Congress acting to give the people of Puerto Rico the reality of what General Miles spoke in his eloquent words of justice and humanity 100 years ago is an opportunity that we should not let pass. It is our historic opportunity and responsibility to our fellow citizens to honor Hispanic-Americans by providing self-determination to the U.S. citizens of Puerto Rico. Let us make 1998 memorable not because it is the 100th anniversary of U.S. troops landing in Puerto Rico but, rather, because this is the year and this is the Congress which commemorated Hispanic Heritage Month and honored all Hispanic-Americans by keeping its promise of democracy to the U.S. citizens of Puerto Rico.

Mr. President, I ask unanimous consent to have printed in the RECORD a series of newspaper editorials in support of self-determination for the U.S. citizens who are residents of Puerto Rico.

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

IT'S UNDEMOCRATIC TO DENY AMERICAN CITIZENS A VOICE

One hundred years ago, during the Spanish-American war, the U.S. troops who took over the Spanish colony of Puerto Rico were enthusiastically greeted by most of the islanders. After all, the United States of America represented liberty and democracy to the world; the future of Puerto Rico looked bright, indeed.

A century later, Puerto Rico are American citizens, but they are not allowed to vote in presidential elections or to elect voting representatives to Congress.

Puerto Ricans have fought and died under the American flag in every war since 1917 and are eligible for the military draft, yet they have no voice in selecting the president or the Congress that could send them to war.

Under a government of the people, by the people and for the people, it seems unfitting that the United States has never formally consulted the 3.8 million American citizens of Puerto Rico on their future. Oh, a few elections have been held within the commonwealth, but the voting process, the wording of the ballots and the results have never been recognized by Congress.

For years, Puerto Rico has requested that Congress at least sanction a vote to officially gauge the opinion of the people: Do they wish to remain a commonwealth, become a state, or achieve separate sovereignty? For years Congress has given no answer.

This year, such legislation has been approved in the House of Representatives, and its life or death resides in the Senate, specifically in the hands of Senate Majority Leader Trent Lott.

If the majority of Puerto Ricans wish to continue their island's status as a commonwealth, with limited rights and limited responsibilities, so be it.

But, if a majority selects statehood as a goal—after weighing the positives against the negatives of federal income taxes and stiffer industrial regulation and taxation—then Congress should also weigh the positives and negatives and make a decision. Only Congress can decide; a territory cannot make itself a state.

Under the bill, if most Puerto Ricans favor statehood, a lengthy period of negotiations—spanning a period of up to 10 years—on possible statehood would begin. Only after all terms are agreed upon could Congress even consider legislation to admit Puerto Rico as a state.

Lott has shown little interest in bringing the bill to the Senate floor. He seems to think that Americans have little interest in it. But 3.8 million American citizens are vitally interested. After 100 years, they deserve to have their voices heard.

LITERACY UNLOCKS THE WORLD OF WORDS

Tucked inside The Sun Herald today is a Newspaper in Education publication celebrating International Literacy Day. To that end, the special section contains tips for teachers and parents.

Among the tips for teachers, we would like to stress the second one: Teach children where they can find readily available reading materials. That goes hand-in-hand with the second tip for parents: Get a library card and use it with your child.

For a child to think that reading is worth the effort—and in the beginning, reading can be an effort—that child should have something he or she thinks is worth reading. Since preferences will vary from child to child, a library is the best place to take a child to unlock the world of words.

When a child picks out what he or she wants to read, the odds are considerably greater that it will get read.

Certainly a parent can and should build on a child's selections by reading to the child. But if a child isn't curling up with a book, it may be because he or she doesn't have a book of his or her own choosing.

[From the Clarion-Ledger, Sept. 7, 1998]

PUERTO RICO SHOULD BE ALLOWED SELF-DETERMINATION

Proposals to allow Puerto Rico to pursue statehood may not be a high priority with most Americans, but it should be.

There is no more American an issue than that of allowing a group of American citizens—yes, Puerto Ricans are U.S. citizens—the right of self-determination to pursue statehood or whatever they may wish.

Bills soon will be before Congress to do just that. The bills are "process" bills, not statehood bills. The bills would provide a process to ask Puerto Rican voters their preferences. They could choose to be a commonwealth, a process that would lead to statehood or independence.

If statehood is selected, there would be lengthy period of negotiations, up to 10 years, when terms and conditions would be decided.

There are many reasons why it would be good for Puerto Rico to enter the union. As for economics, Puerto Rico's economy is about $42 billion, slightly ahead of New Mexico. The U.S. spends some $10 billion a year in economic subsidies there. That would be reduced some $3 billion. But the potential growth is there, too.

If admitted, there would be no reason for other states to lose representation. Seats in Congress could be expanded.

But the reasons transcend economies and politics.

Puerto Ricans have fought in every U.S. war this century, and have died in greater percentage according to population. The "blood tax" has been paid.

As many as 80 percent participate in elections there (compare that to American's lazy attitude about their ballot rights), but cannot vote for the commander and chief who may send their sons and daughters to war.

Americans should cheer at the prospect of a new state because it reminds everyone of the importance of the American ideals of freedom and self-determination.

Puerto Rico has earned that precious right.

[From the New York Times, Mar. 9, 1998]

A CHOICE FOR PUERTO RICO

In a historic move, the House narrowly passed a bill last week to give 3.8 million Puerto Ricans the right to vote on whether the island should retain its current commonwealth status, seek statehood or become independent. The United States-Puerto Rico Political Status Act, sponsored by Representative Don Young of Alaska, requires that a vote be held on the three options by the end of this year. If either statehood or independence receives a majority, the President and Congress would be asked to develop a transition plan, and give final approval to a status change within 10 years. If none of the options receive a majority vote, the current status would be unchanged and another referendum would be held within 10 years.

Both the Republican and Democratic platforms have long supported Puerto Rican self-determination. Yet Congress has repeatedly failed to give islanders a say on their political status. With House passage of the bill, its future now depends on Trent Lott, the Senate majority leader, who has been unenthusiastic about the issue. The Senate would dishonor democratic values by shelving this bill.

Puerto Rico was acquired by the United States 100 years ago as part of the spoils from the Spanish-American War. Its residents are American citizens who have been subject to the draft and Federal laws. But they do not pay Federal income taxes, do not elect members of Congress and cannot vote for President. This diminished status does have support among islanders who worry that statehood would jeopardize the island's distinctive heritage.

But language issues and other important questions can be addressed when Puerto Ricans debate their choices. The proposed bill would allow them to decide their future with the assurance that Congress would not ignore the result. In a 1993 nonbinding plebiscite, 48 percent of Puerto Ricans voted for commonwealth status, 46 percent for statehood and 4 percent for independence. A majority may still prefer commonwealth status, and even if islanders vote for statehood or independence, Congress would be able to manage the transition. In any case, the Senate would be wrong to prevent political self-determination for American citizens when it supports that right for people elsewhere in the world.

[From the Washington Post, Feb. 23, 1998]

AMERICANS WITHOUT FULL RIGHTS

Congress is getting serious about Puerto Rico's political future for the first time since the United States picked up the island territory in an imperial war with Spain 100 years ago. By a carefully launched bill that may reach the floor early in March, the House would set up a process to let Puerto Ricans choose their future status from among the current "commonwealth" statehood and independence options. This would not be no straw poll. The bill would define the details—financial, political, linguistic—of the statehood option favored in Puerto Rico. It would lock the United States into a 10-year transition to put statehood, or another choice, into effect.

The bill, sponsored by House Resources Chairman Don Young (R-Alaska), cleared his committee 44 to 1. He anticipates serious debate and substantial approval. It could be a great day for democracy. But it also could be a difficult day. There is concern over the polticial lineup of the two senators and six congressmen who would go to a new state and over which states would have to forfeit six seats in the House. There is argument over whether new tax revenues would, as sponsors claim, wash out new social-program costs.

But the hot issue is language. There is support among Puerto Ricans to retain their Spanish-language heritage. Some in Congress, however, would make Puerto Rico the battleground for an attempt to legislate English as the official language of the United States. The Young bill undertakes to deal with this question chiefly by providing for use of English in the courts and other official venues, while increasing and improving English-language training in the schools. This seems sensible. A strict official-English policy ignores that Washington never asked Puerto Rico to embrace English when it took over the island and when it sent its sons to fight in American wars. Such a policy also ignores the extent to which the United States by practice and culture is already a considerably bilingual nation. Alarms of creating an "American Quebec" are a spillover from the official English debate.

Puerto Ricans always could get the language of their preference by independence. But that option has never risen above a few percentage points. This makes Congress's definition of statehood crucial. To put statehood on the three successive referendums the bill calls for but then to burden the option with a provocative English requirement is unfair. It thrusts upon the island's 3.8 million residents a choice between political empowerment and cultural identity. For decades American political leaders have held out Puerto Rican statehood as an option. It would be a mockery to load it up with unneeded political accessories the first time it began to look real.

A commitment to common rights, responsibilities and ideals—not a dominant language—bonds Americans. A commitment to democracy should drive Americans to ensure Puerto Ricans full and equal rights as American citizens. It has been, after all, 100 years.

[From the Orlando Sentinel, July 19, 1998]

CLARIFY PUERTO RICO'S STATUS; CITIZENS OF THE ISLAND DESERVE THE OPPORTUNITY TO MAKE A CHOICE, WHETHER THEY DECIDE TO REMAIN A COMMONWEALTH, EMBRACE STATEHOOD OR SEEK INDEPENDENCE.

U.S. Senate Majority Leader Trent Lott says there's not enough time to consider the issue of Puerto Rico's status before senators head home in October.

That's not persuasive. After all, the U.S. House of Representatives managed to do that in a matter of days, approving it in March.

But even more important would be the symbolism of giving Puerto Ricans a voice in determining their own form of government. One hundred years ago this month, the United States occupied that island during the Spanish-American War.

Puerto Rico now holds U.S. commonwealth status, which allows it self-government but with obligations to the United States. That means, for instance, that Puerto Ricans pay taxes to their government but not to the U.S. Treasury. At the same time, they hold U.S. citizenship.

It's time that Puerto Rico's status is clarified definitively, whether the choice is to remain a commonwealth, embrace statehood or seek independence.

Thus the Clinton administration was right last week to push for swift action in the Senate.

Self-determination stands as one of this nation's most important ideals, stemming from the America people's struggle to chart their own political course more than 200 years ago.

Puerto Ricans also deserve that right.

A plebiscite in Puerto Rico five years ago merely whetted the appetite of people for a substantive vote. The plebiscite—a glorfied opinion poll—underscored the intensity of the debate over Puerto Rico's future. Voters mostly sided with two options—commonwealth and statehood—with commonwealth receiving slightly more support.

The House bill would allow an official plebiscite, presenting Puerto Ricans with the three choices mentioned above.

If the option of commonwealth were chose, of course, it would be automatic because it would mean keeping things as they are now.

Much more work would be required if voters were to choose independence or statehood. Statehood would be the most complicated, with the United States having the final say.

The job of working out the details of transition plan would fall to President Bill Clinton and the Congress. That plan then would be presented to Puerto Rican voters. The series of negotiations and votes could take years to unfold.

The process will take even longer, though, if the Senate doesn't get off the dime. Florida Sen. Bob Graham, who supports the plebiscite, argues that the votes are there, that it's just a matter of getting the Senate to vote.

But that means overcoming a big obstacle—Mr. Lott. He appears not terribly interested in Puerto Rico, which is probably the real reason it is being crowded off the Senate's agenda.

Mr. Lott should reconsider. His position, which places him between Puerto Ricans and self-determination, creates ill will and delays an overdue decision.

Mr. GRAHAM. Mr. President, I yield such time as is to be utilized by the Senator from New Jersey.

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

Mr. TORRICELLI. Mr. President, I thank my colleague and friend, the Senator from Florida, Senator GRAHAM.

I, too, rise in observance of Hispanic Heritage Month, noting that there could be no better way to note the importance of our Hispanic heritage and this month of observance than to deal with the reality of the political status of Puerto Rico.

In 1841, President Harrison said, "The only legitimate right to govern is an express grant of power from the governed."

Those words were deemed so important to our Republic, so basic to our system of government, they became a part of the architecture of the Capitol itself. The history of our country is about the expansion of democracy and the enfranchisement of people. The very purpose for founding this Nation was to ensure that our people would have control over their own destiny and choose their own Government. Through the generations, this maturation process has included the enfranchisement of women, African-Americans, and eventually to all people over the age of 18.

The democratic process was probably never better exercised or no firmer commitment made than when this Congress established an orderly procedure to admit new States. That process committed to the people of our country that the process of enfranchisement and of self-government was not simply for themselves but other people who share our ideals, culture, and our geography.

Ever since 1898, the end of the Spanish-American War, we have shared a culture, a history, and a geography with the people of Puerto Rico. The people of the island of Puerto Rico have been subject to our laws and regulations, but they have been unable to vote for the very legislators who would govern them through their actions.

Puerto Rico is the unfinished business of American democracy. Having long since enfranchised all of our population, having extended our sovereignty into the Pacific Ocean and the Northwest, all that remains is the people of these few islands including Puerto Rico, the first and most important case that remains to be dealt with.

This is important not only to the 29 million Hispanic-Americans, it is important to all of our people, because it involves justice and fairness.

Earlier this year, Senators CRAIG and GRAHAM introduced the Puerto Rican Political Status Act. I was very proud to follow their leadership and be part of its drafting and its introduction. That legislation in similar form passed the House of Representatives in March. It would fully and clearly allow the people of Puerto Rico to follow the path of full democracy if they so chose. Unfortunately, the legislation remains in the Energy and Natural Resources Committee. While we are all grateful that the chairman has scheduled consideration of the legislation, in truth it is very late in the life of the 105th Congress. Each day that passes, every week that goes by, we increase the chance that the people of Puerto Rico will not have an expression from this Congress about the chance they may possess to enfranchise themselves and be heard through a recognized plebiscite this year.

Regardless of individual opinion of Members of this body as to what the judgment of the people of Puerto Rico might or should be, whether Members of the Senate support statehood or commonwealth or independence, the one thing I believe upon which we can all agree is that we have a responsibility, consistent with our own ideas, our ideals, our culture—a mandate of history to ensure that the people of Puerto Rico are heard.

What decision the people of Puerto Rico might make is their choice. Whether or not they have a choice is our obligation. There are 3.8 million people on Puerto Rico, with too long an association with our country to pretend this is not a historic problem. They are too many in number to conclude that it does not really matter. I urge the leadership of this Senate to ensure that this legislation dealing with the political status of Puerto Rico and its opportunity for a plebiscite come before this Senate before it expires.

I urge the people of Puerto Rico to proceed with their plebiscite and make a final and lasting judgment about their political status. The United States cannot allow itself to enter the 21st century in a great irony of history—that the product of the world's most important democratic revolution, the first people on the face of this Earth to rise up against colonialism and demand the right of the governed to express themselves, be a party to what is by any measure a postcolonialist political arrangement.

It is not simply that it is unfair to the people of Puerto Rico, it is wrong for the people of the United States. It is inconsistent with our history and it cannot endure.

I compliment Senator CRAIG and Senator GRAHAM for their leadership, and say how grateful I am to be a part of this truly historic effort.

I thank the Senator from Florida for yielding time.

Mr. GRAHAM. I thank Senator TORRICELLI. The Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, let me join my distinguished colleague from New Jersey in thanking our distinguished colleague from Florida, Senator GRAHAM, for bringing this issue to the floor today for comments. In addition, let me thank Senator CRAIG and Senator GRAHAM for their sponsorship of this bill. I wanted to add a few words, because this has been said so eloquently by these two Senators before me, but I would only add just a few thoughts.

We celebrate many things in America. We have many special days to commemorate many special individuals and events. We have many months that we set aside to celebrate all sorts of things that are important. This particular 30-day period from September 15 to October 15 is important because it recognizes the Hispanic community and allows us to celebrate together the great contributions that Hispanic-Americans have made to our country as a group and as individuals. They have made valuable contributions decade after decade and century after century, from explorers to pioneers to inventors to entrepreneurs to statesmen and stateswomen who have served our country so admirably. It would take me all day—all year—to stand up and enumerate all the many contributions. But that is what this month is about, to take a moment to recognize the great strengths that the Hispanic community brings to America. It's also to recognize that is in fact what makes our country so different, what makes it uniquely admirable, what makes it the strongest country in the world. It is our diversity and our respect for diversity that makes us so different.

In that light, we could give many emotional and moving speeches about these individuals and communities. But I frankly think, as one Senator, that actions speak louder than words.

One thing that we could do to take specific action that could express in no uncertain terms our acknowledgment

of these contributions, our gratitude toward the Hispanic community, our acknowledgment that we all share responsibilities, obligations and duties equally to make this country strong and also to equally enjoy the protections of our Constitution and what our flag represents than to let Puerto Rico decide it's own political future. There would be no greater, or better, or more appropriate action than to pass the Craig-Graham bill for the status of Puerto Rico, to allow the people to make a choice between either commonwealth or statehood or independence; but, Mr. President, to allow them, when they make that choice, to know the details of what each of those choices will actually mean, to not be unclear.

So this is something we have to do together. The people of Puerto Rico have to vote. But this Congress—and the House has already recognized this by a vote of only one, but still a decisive victory, a victory in the House—must recognize that only those efforts are not enough for the people of Puerto Rico, but we have to act to have a bill with the definitions of commonwealth and statehood and independence, so the consequences of their choices would be clear to them and to us and to all the people that we represent. That is why it is important for this bill to pass, regardless of individual Members' feelings about what the outcome should be. Passing this bill would be the best action we could take.

I know my constituents are well aware that the 4 million citizens in Puerto Rico do not enjoy the right to vote in Presidential elections, although they do share the obligation of military service and the draft. They do not pay income tax, but they do pay other obligations. The situation needs to be clarified. We can do that by passing this bill and giving them a chance to vote so their responsibilities and duties and protections can become more equal in their alignment.

Finally, I reiterate that this group of patriots from Puerto Rico have fought and died for the United States in wars beginning, not just a few years ago, but since the Revolutionary War. For Louisiana it is especially significant, for our first Governor, Bernardo de Galvez, led soldiers that included men from Puerto Rico in an effort to thwart the British in the territory of Florida, which extended from the State of my distinguished colleague, Senator GRAHAM of Florida, all the way to what is now Louisiana and the territory and State which we know in present day as Louisiana. So for our State there is a particular, emotional, long-standing attachment to this issue.

With all of what my colleagues have said—and I reiterate, we can give all the great speeches we want, but actions speak louder than words—in light of that, the truth of that, in the light of fairness and what is appropriate, I urge my colleagues to take this month to do something meaningful and real, something more than words, that could have a lasting effect on millions of Puerto Ricans and Americans, and the strength of our country.

Mrs. MURRAY. Mr. President, I am pleased to join my colleagues in calling attention to the celebration of National Hispanic Heritage Month.

The Hispanic community in my home state of Washington is the youngest and fastest growing of any ethnic minority group, yet its history is a long one. indeed, Washington was a part of Mexico until 1819. The many Spanish place names that dot the landscape are only part of the legacy of the early Hispanic explorers and settlers. Early Hispanic pioneers helped lay the economic infrastructure of the region, bringing commodities such as wheat and apples and livestock.

Today Hispanic Americans continue to play a pivotal role in our state's economy. The contributions of Mexican immigrants has been vital in the growth and continued success of our state's agricultural industry. Hispanic-owned businesses range from the mom-and-pop small business to large corporate concerns. Hispanic citizens, taking advantage of their many ties to Mexico and other Latin American nations, have helped to expand trade, our state's economic lifeblood.

The contributions of Hispanic Americans are not limited to economic ones. Hispanic Americans have risen to positions of leadership throughout the state. They occupy elected offices at all levels of government, including our state legislature and judiciary. Hispanic community activists have led the fight for social equality. The Hispanic community has also enhanced our state's cultural life. Spanish language newspaper and radio, Latin American cuisine and Hispanic customs and ceremonies are an integral part of our state's landscape.

The Hispanic community has mobilized to meet the challenges facing it. Community-based organizations throughout the state are working to create educational and economic opportunities and meet the need for housing, health and social services. Their efforts benefit not only the Hispanic community but the state as a whole.

Washington State's Hispanic community is a dynamic and vibrant one. I salute their many accomplishments and contributions. I encourage my colleagues to join me in celebrating the diversity that makes our country so rich by commemorating National Hispanic Heritage Month.

Mr. DASCHLE. Mr. President, Hispanic Heritage Month presents a unique opportunity to celebrate the history and achievements of nearly 30 million people of Hispanic descent living in the United States and Puerto Rico. Today, as we stand on the threshold of a new century, we look to the outstanding contributions of Hispanic Americans for inspiration and leadership.

We should also acknowledge Puerto Rico's 100 years of Social, Political and Economic Union with the United States. I strongly support the right of self-determination for U.S. citizens living in Puerto Rico. Citizens in Puerto Rico should have the opportunity to decide their political future, and have a right to political, social and economic equality.

America has always drawn strength from the extraordinary diversity of its people. Throughout our nation's history, immigrants from around the world have been drawn to America's promise of hope, freedom, and opportunity. These newcomers have shared their cultural traditions and values, contributed to our nation's economy, strengthened our shared belief in democracy and helped create a more fair and just society.

Earlier this year, the House of Representatives passed the "United States-Puerto Rico Political Status Act," H.R. 856. The Senate version, S. 472, provides a congressionally recognized framework for U.S. citizens living in Puerto Rico to freely decide statehood, independence, or the continuance of the commonwealth under U.S. jurisdiction.

Hispanic Heritage Month provides us with a unique opportunity to again raise the debate of the Puerto Rico plebiscite. I cannot think of a better time to push this issue forward.

That is why I am joining today as a cosponsor of S. 472. This year, the Senate has an opportunity to grant the 3.8 million American citizens of Puerto Rico an opportunity to decide their own future. Such an election would be the first step in allowing these U.S. citizens an opportunity to exercise one of the most fundamental principles of a democracy—a government chosen by the people.

In recognition of this historic opportunity, I am hopeful that my colleagues will join with me as cosponsors of S. 472, and that the Committee on Energy and Natural Resources will mark up the bill quickly.

Mr. GRAHAM. Mr. President, I thank the Senator.

There are others of my colleagues who have indicated a desire to speak during this period for morning business. Unfortunately, none of them are here at this time. Therefore, I ask unanimous consent that the remainder of the time for these presentations on "Hispanic Heritage Month" be reserved until our colleagues who wish to speak are present.

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

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

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

Mr. McCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I say to my friend from Kentucky, it is just for a unanimous consent request.

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

Mr. REID. I will even tell the Senator what it is. I want to ask that during the pendency of the Interior appropriations bill that a congressional fellow in my office have the privilege of the floor.

Mr. McCONNELL. I do not object, Mr. President.

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

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

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that during the pendency of the Interior appropriations bill, Scott Conroy be extended the privilege of the floor.

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

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

Mr. FEINGOLD. Mr. President, I object.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Objection is heard.

The assistant legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

DEPARTMENT OF THE INTERIOR 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. 2237) making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate continued with the consideration of the bill.

AMENDMENT N. 3554

Mr. McCAIN. I say to my friend from Wisconsin, I am not going to make any motion at this time. I just want to assure my friend from Wisconsin and others that we will not give up on this fight. We will continue this fight. But I also think it is important to point out that we got 52 votes, which was the same as the last time. I intend to work with friends on both sides of the aisle to try to get additional votes so we can make progress on this issue. Since that is not the case, it is my understanding that the majority leader will move off of this bill probably at this time.

I want to make sure that again we are not giving up this fight. We will continue. And sooner or later I am convinced that we will have the opportunity to prevail.

Mr. President, I yield——

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. McCAIN. Mr. President, I have not yielded the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I express my appreciation to the Senator from Arizona for his willingness to continue this important fight. I understand that we may well be moving now to another piece of legislation, but I want to indicate that we will continue to move this amendment, to try to adopt this amendment. As I understand it, it will be the pending business on the Interior bill when it comes back, and we will certainly proceed accordingly.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I have not been involved in the debate over the last 2 days, but I want to say that we have had this debate and we have had this vote again because Senator McCAIN felt it was important that it be considered further, especially in view of the House vote. But we have had that debate and we have had the vote, and the vote is the same. Nothing has changed. There is no consensus.

I still maintain that before we start changing the laws we ought to try to find out who broke the laws, how did they break the laws, why did they break the laws. We now have not one, not two, but three 90-day preliminary investigations of whether or not to go forward with the independent counsel on whether the President, the Vice President, and a Deputy Chief of Staff were involved in 1996 campaign violations.

It seems to me it would be wise to see what is going to happen there, find out what happened. I still don't understand why, if people broke the law, there are those who say, "Oh, geez, what we need to do is change the law."

Do we have some areas where we are going to have to take a look at the campaign laws as far as contributions, and where money can be raised, or how, what kind of money on Federal property? Yes, we are going to have to take a look at that, and I am going to work with Senators on both sides of the aisle who really want to have something done that is balanced and fair.

This is not the solution. This is not the time. Here we are 60 days before an election, 30 days before the end of the session. We are trying to do the Interior appropriations bill. We spent 2 days on campaign finance reform, and now we have threats that it is going to continue. I have been patient. I have tried to be cooperative. I appreciate the cooperation I have received. I do think now the time is right for us to move on to Interior, bankruptcy reform, and child custody, very important issues that need to be addressed.

I yield the floor.

Mr. McCAIN addressed the Chair.

Mr. McCAIN. Mr. President, I ask unanimous consent that before I make a motion to withdraw my amendment, the Senator from Wisconsin be recognized for 2 minutes and then I regain the floor.

Mr. LOTT. For debate only.

Mr. McCAIN. Debate only.

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

Mr. FEINGOLD, Mr. President, I do understand that Senator McCAIN intends to withdraw the amendment momentarily which he has been courteous enough to indicate to me. I just want to reiterate that we are going to continue with this effort, that the amendment will be offered again on this bill and, if necessary, other bills until the job is done.

The fact is we have not really had a real process in the last 2 days that we would expect on a bill like this. We have had talk intermittently, but each time this has come up, in September, October of 1997, in February and March of this year, and on this occasion, we have never been allowed the right to have the normal amending process that allows a consensus to be achieved. That is what was allowed in the House, and that is what lead to the passing of the Shays-Meehan bill. Until that kind of process, rather than the mere permission to speak, is granted, this is not the kind of process that we are entitled on an issue of this importance, so this will continue. It must continue. And our effort has bipartisan support of the majority of both Houses of the Congress.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Let me just make a couple of comments before I withdraw

my amendment. As I said, we will not give up the fight. We need to have progress. We need to pick up a couple of additional votes, and it is important we make every effort to do so.

There would at least have been a vote at noon today on this issue, because a tabling motion was in order by the Senator from Wisconsin. The Senator from Wisconsin, for very legitimate reasons, chose not to have that vote. So we could have had everybody on record at least on the tabling motion.

I insisted the night before last that we have 2 full days of debate. I had rather harsh words exchanged between myself and the majority leader—which is very uncustomary for me to have, except on approximately a daily basis. But the fact is the majority leader agreed that we would have 2 full days of debate. Then I came in today to find that, for the convenience of a Senator or Senators on that side of the aisle, we had to have a vote at 1:45. There were many on both sides who wanted to debate this particular amendment, but we had to curtail it. Last night there were Members on this side as well as the other side who wanted to speak on this issue. Instead, the Senator from Massachusetts had to speak for 2 or 3 hours on minimum wage.

So, if we are really serious about this, I want to tell my colleagues on both sides of the aisle, then we ought to go ahead and debate it, and debate it fully. We reached the point before the vote at 1:45 that, even on this side, the seven Republicans who wanted to debate did not have sufficient time to do so, because rather than go late into this evening as I had envisioned, for the convenience of Senators on that side of the aisle we had to curtail the debate and have a vote at 1:45 today.

So I think it is important to point out that I do not believe the issue was debated as fully as it should have been, even though it has been done several times in the past. I urge, again, my colleagues to recognize there is one way we are going to get true, meaningful campaign finance reform, and that is on a bipartisan basis. My opening statement yesterday articulated three principles as to what brings about meaningful campaign finance reform, and one is bipartisanship. So I am reluctant—I am reluctant, without progress on this issue, to engage in a debate which could divert the Senate from other important issues of the day.

I want to point out one other reality, much to the sadness of almost everyone I know. Tomorrow's newspapers will probably not highlight the fact that we failed again on campaign finance reform. They will highlight the issue which has consumed all the oxygen throughout this town, and that is the firestorm concerning the scandal that is affecting the Presidency of the United States and the institution of the Presidency today.

So I hope we can move forward. I will never give up on this fight as long as I am a Member of this body. And I hope that we can make progress together. But let's do it in a meaningful way and in a bipartisan way so we can make genuine progress.

Finally, I thank all the people who worked so hard to get this back up before this body. I thank Senator FEINGOLD. I thank all our friends on the outside. I thank everybody who has worked so hard in this effort. And we will prevail over time. But we will prevail, I believe, in a bipartisan fashion and not in one that exacerbates emotions on the floor of the Senate rather than working towards a common goal of bettering the electoral progress.

Mr. President, I withdraw my amendment.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

Mr. LOTT. Mr. President, I call for the regular order with respect to the bankruptcy bill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1301) to amend title 11, United States Code, to provide for consumer protection, and for other purposes.

Pending:

Lott (for Grassley/Hatch) amendment No. 3559, in the nature of a substitute.

The Senate resumed consideration of the bill.

Mr. LOTT. Mr. President, I wish to speak on the subject of the bankruptcy bill. The managers of the legislation will be here momentarily.

I should note that we did call this issue up last Thursday, I believe it was, but we had difficulty in getting to the substance because the Senator from Massachusetts did not want us to get to the substance. He had an amendment he wanted to talk about.

But Senator GRASSLEY and Senator DURBIN did make some small statements at the end of the day on Thursday. I thought it was appropriate that we go back to the bankruptcy bill and that they be able to come to the floor and lay out the outline of this legislation and begin to get Members' attention focused on the bankruptcy bill itself.

Before I go to my own discussion about the importance of this bill, I want to report to the Senate that we did just have a bicameral majority leadership meeting, House and Senate leaders sitting down, talking about the people's business. We met for an hour. And while there are many in this city who are talking about the Starr report and how it is to be dealt with and how can it be done in a fair and bipartisan way, we met for an hour and we talked only about those issues that we need to address in the Congress this year.

We talked about the appropriations bills, and it is important that we get them through the process. We have now had 11 appropriations bills pass the House, 10 pass the Senate. We are trying desperately to get the 11th appropriations bill to begin to move here in the Senate; that is the Interior appropriations bill. So we will only have left in the Senate after Interior, the D.C. appropriations bill, and the Labor, HHS, Education, and other agencies and departments' appropriations bills—only two. I have urged the appropriators on both sides of the aisle, both sides of the Capitol, to work expeditiously. If we have issues that we just cannot agree on between the two bodies or between the Congress and the White House, set them aside. The important thing is to get the job done.

We also then talked about the importance of preserving Social Security, but allowing the people to get some of their hard-earned taxes back. Absolutely, before we leave this year, we should pass legislation to eliminate the marriage penalty tax. We should allow for the self-employed deduction. The American people don't really realize it, although I am sure they feel the pinch, the American people are being taxed now at the highest levels in years and years and years. They need some relief. Some of the money that is coming up here now, going into the surplus, certainly should go back to the people.

The administration cannot come up here and say: We want all this extra spending for what we consider emergencies, and that will not count against Social Security, but, by the way, if you allow for some tax cuts for the people who earned it in the first place, oh, by the way, you are taking that out of Social Security. That kind of argument, I don't believe, in this atmosphere, is going to sell this year.

But we talked about the fair way to do tax cuts. We talked about what we might want to do next year in terms of more tax cuts, across-the-board rate cuts next year, and how we can begin to make progress in preserving Social Security.

We also talked about the importance of keeping our commitment on the balanced budget last year, sticking to the caps. Yes, there may be some real emergencies we will have to address, but other than that, we need to stick to the caps we agreed to. We gave our word 1 year ago, and we ought to stick to it.

Then we talked about other issues. Higher education—we have a conference committee meeting this week. Hopefully, they will complete agreement on the conference report on higher education this week—certainly within the next few days—so that our children will have access to the colleges—community colleges and universities all across this country. We will get that done.

Mr. President, we talked about the importance of this bankruptcy reform. That brings me to this particular issue. This legislation is long overdue. We have a system now in America which encourages people to take bankruptcy and get out of their debts. We have a system that does not take into consideration that small businessman or woman, that furniture store that is run by the husband and the wife. They are trying to make ends meet. They are selling furniture on credit, and people who are supposedly buying that furniture are declaring bankruptcy or just walking away from what they owe and getting out of their debts. We need reform. This is bipartisan. It came out of the committee of jurisdiction by a wide margin.

I know Senator DURBIN, Senator DASCHLE, Senator GRASSLEY on this side, Senator HATCH—a number of Senators have worked on this legislation. We need to get it done. We are this close to having it go down because Senator KENNEDY wants to offer the minimum wage increase to bankruptcy reform. It is not related to bankruptcy reform, but he insists on it being added to this bill.

It is curious to me, why this bill? It could be to any other bill. Oh, no; he wants this one. I suspect it is because he knows that this is a bill that the leadership on both sides would really like to have. But he is willing to take down this very important legislation to be able to offer his minimum wage increase, even though we have had minimum wage increases the last 2 years in a row and I have had store owners, restaurant owners, self-employed individuals who have little small businesses who have come to me and said:

> OK, we made it the last time, but we are at the limit. We have had to let people go so we can make a living. We are working more hours. But if we have to go through two more, or three more, minimum wage increases, we are going to go out of business. At a minimum, we are going to have to lay people off.

But here is my attitude. If Senator KENNEDY will be reasonable and will agree to a time limit, he can offer his amendment and we will have a vote. But then I think we ought to be able to go on to the bankruptcy bill itself and complete the work with a reasonable time limit and amendments on that.

Some folks say you always want to limit amendments. If you limit a bill to 15 amendments, that is not what I would call a big limit. And I am not saying 15, but something reasonable so we can get bankruptcy done, so we can come back to Interior appropriations, let the Senator from Wisconsin come back again, you know, have something to say, have another vote on Interior appropriations involving campaign finance reform. But at what point are we going to say, "OK, we played our games"? You have had your votes. We have had our votes on campaign finance reform. We have had votes on bankruptcy reform. We have had votes on national missile defense. We have had all these other votes. But at some point we have to say, "OK, we have dealt with it, we made our point, and we are going to move on the people's business," whether it is the Interior appropriations bill or the next appropriations bill. I understand the plan on the D.C. appropriations bill is to offer a whole series of nonrelevant amendments on that bill.

When does it end? If we can come to some reasonable agreement on time—Senator DASCHLE and I talked last night; Senator DURBIN and I talked this morning, Senator GRASSLEY. I said, let's work out something on bankruptcy so that everybody gets a fair shot but we can get this bill done.

I will yield to the Senator if he has a question or comment.

Mr. FEINGOLD. I appreciate the comment. Let me indicate, as I indicated before, if the process of debating campaign finance reform would ever be permitted to involve the normal amending process, without even insisting on giving up the right to filibuster, that that is the critical element, because without that, we are not in a position here to do what was done in the House where there was a lot of debate over many months, but they were able to offer amendments. Here, as soon as we won on the Snowe-Jeffords amendment, it was over, there were no more amendments. This has happened three times now.

Mr. LOTT. I had an amendment on paycheck equity. If we add paycheck equity to the bill——

Mr. FEINGOLD. Which we debated.

Mr. LOTT. I would be much more inclined to favorably consider this legislation. For labor union members to have their dues taken from them and used for political purposes without their permission, I think that is a very, very critical point. That is part of what I am talking about. This bill is not balanced. It tilts the scale very definitely to your side of the aisle. Where is the fairness?

Mr. FEINGOLD. I say to the leader, that is what the amendment process is for. Your amendment came up and, quite frankly, didn't prevail. Our amendment came up and did prevail, and there were many other amendments and we just stopped. I recognize there may be another version of the Paycheck Protection Act that may prevail. My problem is that it stopped at that point, and that is not the normal procedure. That is what I am asking for, that everybody do their amendments, and at the end of the day, I know, unless you change your mind—and I recognize you don't need to—that we still need 60 votes, but to have the amendments, to have everybody's ideas presented and voted on, is what we are asking for here.

Mr. LOTT. Mr. President, I might say, the Senator from Wisconsin said, "Well, we realize in the end we may not have 60 votes." In fact, some of the amendments that I would offer you would likely wind up being filibustered. You would. I have a long list of really interesting amendments that I don't think you would particularly like, but I like them a whole lot. So here is my point.

Mr. FEINGOLD. Mr. President, I say to the leader, I would be happy to try that process. We tried the poison pill, and it didn't work.

Mr. LOTT. Poison pill. These are not poison pills. They are very legitimate amendments. But here is the point: You acknowledge that at some point you have to have 60 votes. We went through this last year. It derailed the highway bill. We didn't get 60 votes. It came back this year, in an effort to be fair, to see if something had changed. We had votes. It got 52 votes. Then the argument was made, "Well, gee, the House voted on a different bill, by the way, and things maybe have changed." We voted again. Things haven't changed.

How many times do we have to go through that exercise? The day will come when maybe really we can work in a bipartisan way on a bill that is fair to all concerned and we will maybe be able to bring it to a conclusion. I won't say that day won't come. I think it will, actually. The question is, When will that be and what will it be? And I am going to work on that.

Mr. FEINGOLD. I say to the leader, you have been enormously courteous. I want to make one more remark.

Mr. LOTT. I yield for one more comment.

Mr. FEINGOLD. I think it is essential for the country that this process—and I realize it is a difficult one—be completed this year because of the danger of what will happen in the year 2000 election. We cannot let another 2-year cycle begin with the corruption that already existed in the 1996 elections and the problems with this year's elections to not finish the job in whatever form it is, however we can reach a consensus. You and I know we reached a consensus on the gift ban. We sat down in a room, and we worked it out.

Mr. LOTT. If the Senator will recall, you were in the room, Senator LEVIN and I were in the room, and we made it work.

Mr. FEINGOLD. That is what I just indicated. When we sat down, we made it work. I suggest and make my plea to you: Let's sit down and try to work out something so that we can accomplish something in this regard to make the year 2000 elections look something better and different than the mess in 1996. That is my plea.

Mr. LOTT. Mr. President, I say to the Senator from Wisconsin, I appreciate your courtesy. You have always been

courteous. You have always been very reasonable in the way you have approached everything around here. Maybe the day will come when we will be able to sit down and agree on something. I don't see it at this point. I think the timing is wrong. After all, 2000 is still 2 years off. You have 1999. We will see where we can wind up.

For now, I want to focus our attention on the bankruptcy bill itself. I see that Senator DASCHLE is here. I noted in his absence that we have Senators on both sides now trying to work out an agreement. I hope we can make some progress on that this afternoon or tonight and that we will go forward with the substance. I understand Senator GRASSLEY and Senator DURBIN will be coming over to, in effect, do their opening statements which they didn't really get to do last Thursday night. We will let them begin the bankruptcy bill while we see if we can work something out.

For Senators who may not be aware of it, I said last night while we filed cloture, it is my hope that we can work out an agreement, and we can vitiate that cloture vote tomorrow. But we do need to get something worked out so we won't have to go to cloture, because I think if we do have another cloture vote and it doesn't prevail, we really have to go on. I can't stand up here and say we need to go to Interior appropriations and then stay on bankruptcy beyond a reasonable period of time. But I think it is possible, because I know there is a lot of support on both sides of the aisle.

With that, Mr. President, I just want to say I will be working with Senator DASCHLE to see if we can work this out, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LEVIN. Will the Senator withhold that for one moment so I can add one comment?

Mr. LOTT. I ask the quorum call be withheld, and I yield to the Senator from Michigan for a question.

Mr. LEVIN. Well, just for one brief comment, if I might, to the majority leader. I thank him for his comments. When the proponents of civil rights legislation were faced with a filibuster, they didn't succeed the first time to get the necessary votes, which I think then was two-thirds. They didn't withdraw the civil rights bill. Because they felt it was so important to the Nation that we pass that legislation, they decided that the filibuster, which is their right under the rules—it is not required that people who offer a bill or an amendment withdraw their amendment or their bill just because they are being filibustered.

The situation here is that there is a bipartisan group, a majority, who feel very, very strongly that this is a transcendent issue, that this is an issue which cuts across so many other issues, that the soft money loophole has undermined public confidence in a significant way in our elections.

I think it is important that everybody be straight with each other, and I think you have been straight with us and we have been straight with you. Senator MCCAIN and Senator FEINGOLD have worked on a bipartisan basis in a way which is really important for the Nation.

It is important that everybody understand that this amendment will be reoffered on the next appropriations bill because of the seriousness with which it is held on a bipartisan basis, and then folks who want to filibuster have that right, but folks who don't want to help that filibuster succeed also have rights to reoffer it. Those are the rights which will clash. That is why we are here to do this in a civil way. The majority leader has always been civil in his dealings on this issue, as on all other issues.

I want to add both the statement that I have made and also to be very clear and be very straight with the leadership as to what the intent is, which is to reoffer this amendment on the next appropriations bill.

Mr. LOTT. Mr. President, if I might just respond briefly, obviously, Senators are entitled to offer amendments, and then other Senators are entitled to offer second-degree amendments. The Senator knows very well that cloture votes and filibusters are an important part of this institution. You may not like it, depending on which end you are on on that subject, whether you are on the receiving end, but it is there and it is an honored and a time-preserved process we use around here.

Also, the Senate sometimes works on an issue for years—years—before you get a consensus. I worked on telecommunications for 10 years. This year, and we got very little credit for it, but this year we passed the Workplace Development Act, a consolidation of job training programs. We worked on it for 3 years. We failed at the end of the last Congress to pull it out. We finally got it done, sent it over to the President, and because everything else was going on, it didn't even receive any notice. Sometimes consensus takes time.

Also, I have watched the Senate over a period of years on a number of issues, sometimes when Republicans were pushing them; sometimes when Democrats were pushing them. You reach a point where you say, "I made my point for now; I'll be back, but now we are going to go on and do our business."

We have 19 days left, assuming we are going to try to go out October 9, 19 days left in this session.

We still have important work to do, including a lot of bills on the issues that we agree on in a bipartisan way, and with only 19 days to accomplish them.

The Senator has his rights, but as majority leader and in the leadership we have to try to find a way to have those votes, but then to move on. So I am sure you understand. I understand where you might have to come from, and I hope you will understand what I would have to do under those conditions to try to keep the focus.

But the next 19 days are not going to be easy under the best of conditions. The Senate is expected to show decorum and restraint and dignity, and I know we are going to do that. We also have to reach out across the aisle and say, "Can we find a way to work through these bills?"

I think the people will be watching us. We have to do a little preening. You have to make your positions clear, we have to make our positions clear, and then at some point we have to come together. We will not necessarily agree at the beginning on what the solution is to agriculture in America. But it is very important in South Dakota and in Ohio and Mississippi and all over this country. But at some point we are going to come together because this is a problem, a real problem, and we can find a solution.

So I hope that is the way that we will proceed. Make your points, on both sides of the issue—on both sides of the aisle—and then let us sit down and see if we can find a way to come to an agreement to do the best we can. It may not be all we want to do, or it may be too much in some cases, but I am prepared to work in that vein. And I am hoping, again, in spite of all the other distractions, that we can keep our attention focused. And I will try to help to do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Madam President, I ask unanimous consent that the Senate proceed with debate only on the bill before us, the bankruptcy bill, until 5 o'clock.

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

Mr. GRASSLEY. Madam President, I think that we need to consider once again the very important issue of bankruptcy. Senator DURBIN has cooperated very well in the subcommittee's work and the committee's work to bring the bill this far.

Why are we introducing a bankruptcy bill? Why do we need major bankruptcy reform? I think it is pretty simple that under the current system an individual can avoid paying the debts that he has incurred with few, if any, questions asked even if that individual has some ability to repay all or a portion of those debts.

This much too easy bankruptcy system encourages irresponsible behavior and costs businesses and ultimately consumers they serve millions of dollars a year, adding up to $40 billion a year in added cost to product and service.

They have to raise their prices to cover this. You, as a consumer, pay this. That is $400 for the average family—a hidden tax. You can see this being possible because individuals can declare bankruptcy under chapter 7 where debts are rarely repaid. Or there is the choice of chapter 13 which requires debtors to repay a discounted portion of their debts. And obviously—and this bill does that—Congress should encourage the use of chapter 13 where creditors will at least receive something, whereas under chapter 7 rarely anything.

Our bill imposes a means test for people who declare bankruptcy. If a person can repay all or some of their debts now, or even over an extended period of time, they will either have to file under chapter 13 or stay out of the bankruptcy system entirely. This will mean that the businesses which extended credit in good faith will not be left with absolutely nothing.

Our bankruptcy reform bill imposes a means test by letting creditors file motions under section 707(b) of the Bankruptcy Code. These motions would raise evidence concerning a debtor's ability to repay debt.

Under current law, creditors—the people with the most to gain or lose—are expressly forbidden from doing this. By opening the doors to creditor involvement, businesses can become masters of their own destiny.

Of course, in order to prevent abusive court filings—we don't deny that there can be some abuse of this privilege, but we have included penalties if a court dismisses a creditor's motion and determines that the motion was not substantially justified.

Our bankruptcy reform bill contains a unique feature which will provide important assistance to small businesses which may not be able to afford to press their case in bankruptcy court. The chapter 7 public trustees—these are the private individuals who administer bankruptcy cases and who are in the best position to know whether debtors can repay their debts—are allowed to bring evidence and motions to the bankruptcy judge. If the judge grants a motion to dismiss a bankruptcy petition or to transfer the case to chapter 13, the attorney for the debtor will be fined and the fine will be paid to the chapter 7 trustee as a reward, as an incentive for detecting an abuse of the bankruptcy system by a debtor and by the counsel for that person that owes money.

Thus, a well-informed cadre of bankruptcy trustees with a meaningful financial incentive will be empowered under this legislation to find debtors who could repay and get them into chapter 13 or out of the bankruptcy system entirely.

A recent survey of chapter 7 trustees indicated that over 80 percent of the trustees would use this power if it were given to them. Empowering chapter 7 trustees will help small businesses since the effect of transferring or dismissing a case will be that creditors will collect more and bills will be paid. There will be less of an incentive to go into chapter 7 willy-nilly if there is somebody looking over the shoulder to see that it has been done right. We then avoid those people who might be shady, those people who might be using bankruptcy as part of personal financial planning. Under this procedure, small businesses would need only to sit back and let the trustee seek his reward and would not have to spend a dime to litigate the case.

This is important legislation. It will help all consumers because it will help businesses collect debts that will otherwise remain unpaid and be passed on to the people who pay their debts and never declare bankruptcy. This bill is about basic fairness. It is about time that Congress provides fairness for all consumers.

Madam President, I think it is very important that we consider on this latter point that I made about the trustees being able to review these bankruptcy cases, that we make very clear that this ought to encourage the bankruptcy bar, to some extent, to be very careful, whereas we feel some are not so careful now in its present environment of the last 20 years of counseling people into bankruptcy in the first place or into chapter 7 as opposed to chapter 13. I don't think a lawyer is going to want to take a chance on being penalized for putting somebody in chapter 7 that should have been in chapter 13; or even putting somebody in bankruptcy that shouldn't have been there in the first place. We feel that we need to get the bankruptcy bar back to the point where they are advising people; that in every instance a person might feel that they want to go into bankruptcy, that it might not be justified.

I yield the floor. I want to give my good friend, the Senator from Illinois, an opportunity to speak on this subject.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Thank you, Madam President.

During the course of this debate on the bankruptcy bill, we will be talking about a number of aspects of this procedure. When you consider a nation of 260 million Americans, and I guess about 1.3 or 1.4 million each year file bankruptcy, the vast majority of people who may be watching this debate have no personal knowledge of the subject. Of course, some lawyers and people who are involved in credit counseling do, but, unfortunately for a lot of unsuspecting people, bankruptcy becomes a critical part of their lives. Senator GRASSLEY and I are attempting to change the bankruptcy code in a way that is fair, that will reduce abusive bankruptcies, but still allow the procedure to be available to those who truly need it.

Let me give an example of one of the amendments which I have offered, or will offer if given the opportunity, which I think tells an important story about bankruptcy; that is, the whole question about retirement funds. Creditors want those who file for bankruptcy to pay their creditors every penny they have, often including retirement savings. If you are 54 years old and you have some IRAs, some 401(k) plans that you are putting aside for your own retirement and then lose your job after 30 years due to a merger or downsizing, or if someone in your family—a spouse or a child—incurs major medical bills and you find yourself facing literally tens of thousands, maybe hundreds of thousands of dollars in debt and find you can't pay your bills, you may be forced into bankruptcy. What may be at stake is not only the money you have on hand, but the money you have saved for your retirement.

Under current law, if you filed for bankruptcy, they go after everything except the 401(k) plan. So if you put aside these individual retirement accounts or Roth IRAs thinking, "Someday I will need this to supplement Social Security," you will be shocked to learn that the creditors—the hospitals and doctors or whoever it might be—are going to say, "I'm sorry, but that IRA is now something that I can take away from you to pay off your bills."

That is why I think this amendment which I am going to introduce is so necessary. Current law puts Americans with financial problems in a Catch 22 situation: Either declare bankruptcy and go into poverty in old age, or don't declare bankruptcy and live in poverty now with creditors harassing you because your current bills and health care costs sap your entire income.

This amendment that I want to offer to the bill, one of several, ensures that retirement savings survive a bankruptcy proceeding intact. The funds will be preserved to provide for your care and expenses in old age, rather than being paid to creditors who are unwilling to compromise when meeting this financial setback. It also provides that if you took a loan from your retirement savings, for example, to fund a downpayment on your house, you will have to pay yourself back by payroll deduction, uninterrupted by the bankruptcy.

I think there are reasons to support this amendment. It is a good indication

of why some amendments are needed on this bill. Think about the gravity of this situation and challenge. The retirement savings of hundreds of thousands of elderly Americans are at risk in bankruptcy proceedings. In 1997, an estimated 280,000 older Americans—that is, age 50 and older; and I am included in that group—filed bankruptcy; though I didn't file bankruptcy. Almost one in five bankruptcy cases, 18.5 percent, involve one or both petitioners coming to court who are 50 years of age or older.

What are the top three reasons Americans give for filing for bankruptcy? Job loss, overwhelming medical expenses, and a creditor's refusal to work out repayment plans. Nearly 50 percent of older Americans declare bankruptcy because they lost their job at or about the age of 50. At this age, it is a tough situation to find another job that pays as well. It can be catastrophic to an entire family.

Parents may have kids in college, elderly parents to care for, a house that may need a new roof, and a family that may have overwhelming medical expenses. About 30 percent of older Americans filing bankruptcy due to family medical bills that are completely beyond their capacity to pay. You should not have to choose between your family's health and your financial security in your old age. One in ten older Americans files bankruptcy because their creditors have refused to work with them to pay their bills. One in fifteen older Americans files bankruptcy to save a home they are about to lose.

Young people really are protected by this amendment, as well, when retirement funds are set aside over a person's working career to provide them with privately funded care in their old age. My mother lived to the age of 87, and she always said time and time again, for years and years, "I just don't want to be a burden on you and your brothers." She never was, but she was always worried about it. She saved carefully, so that there was money set aside, so that if something happened, she would be able to take care of herself and would not have to turn to us.

I think that is the feeling of many senior citizens who put aside savings in IRAs and 401(k) plans, so they can be independent and live a life that doesn't take away from their children.

But think about it. If something comes along, like a catastrophic illness, you have reached the limit on your health insurance policy, and all of a sudden debts are cascading around you and bankruptcy is the only option, you lose everything you saved—and independence is important to all of us, and particularly to those in their senior years.

Security in retirement can only be achieved through the accumulation of assets over a working lifetime. Retirement funds should not be at risk simply because of an unexpected layoff or medical problems, sending a debt-strapped family over the financial edge. I don't think this amendment is subject to abuse, because debtors can't really sock away money in a retirement account just before filing for bankruptcy. Retirement plan contributions are heavily regulated and limited by law and not subject to bankruptcy planning abuse. Debtors have been criticized for poor management skills, but they should be rewarded, not penalized, for making rational economic decisions, like preparing for retirement.

Who supports this amendment? The AARP, American Association for Retired Persons, National Council of Senior Citizens, the Profit Sharing 401(k) Council of America, the National Council on Teacher Retirement, and the New York State Teachers Retirement System, just to name a few.

My reason for explaining this amendment is that there is debate underway here as to whether we will allow amendments to the bankruptcy bill. This is an illustration of the type of amendment that I think is important, so that we make certain that this reform of the bankruptcy code recognizes the reality of life in America. We want to protect the retirement funds of those who have been careful enough to save, who could never even have anticipated an economic calamity such as I have described. We want to make certain that they are given a chance to come through bankruptcy not only with dignity but with a chance to lead a good life.

There are other elements to be considered as well. I would like to address one or two of them before giving the floor back to Senator GRASSLEY of Iowa.

We have talked a lot about those who file for bankruptcy. I think it is important that this be a balanced discussion, so that we talk about those who, frankly, are using the credit system in this country to make a great deal of money. Credit cards are one of the most profitable areas of financial endeavor in America. Those who have taken a close look at the interest rates they pay on credit cards understand why. If you happen to be late in making a monthly payment and the balance is held over another month, sometimes the interest rates can be dramatic in comparison to what we pay for mortgages and other loans, like automobile loans. The interest rates, many times, on unsecured debt, like credit card debt, can be substantial.

Unfortunately, I don't believe many credit card companies or other financial institutions are as honest as they should be with American consumers. I will bet most of the people who are listening to this debate will open their mailboxes up today and find a preapproved application for a credit card. We know we are going to find them whenever we go home. If you look at it, you will understand that nobody has analyzed your credit situation. They have basically said: Here is another $100,000 in debt that you can run up if you like, at an interest rate that you may be able to pick out in the fine print on the back of the solicitation.

I visited a football game in Illinois last year where they were passing out free T-shirts to any student at the University of Illinois, Champaign-Urbana, who would take an official University of Illinois credit card. They ran out of T-shirts because the students could not wait to get them. Most of these students ended up with credits cards, most without much income. We don't want to limit opportunities, but we do want honest disclosure. At that particular football game, the credit card company offering this credit card had posted on a banner behind the little booth, "Permanent introductory rate, 5.9 percent." Think about that for a minute. "Permanent introductory rate"? How does that work? Clearly, at some point in time you are through the introductory period and into a new rate.

I think it is important that there be an honest disclosure of the interest rate people will be charged on credit cards, so that on the myriad—perhaps dozens—of credit card solicitations you receive, you can make the right choice, not just the come-on rate, the attractive 6 percent or something on the envelope. What are you really going to be charged as an interest rate?

I think the credit card companies owe it to us as well to send us, along with the credit card application, a worksheet so that people can say: Let me see, exactly where am I? How many debts do I owe? How much income do I have? Does this worksheet give me an indication as to whether I should go further in debt? I don't think that is unreasonable.

I also think the monthly billings we receive from many of the credit card companies are a mystery to try to figure out, what they mean and what it means if we make certain payments. For example, there will be an amendment offered here, I believe, by the Senator from Rhode Island, Senator REED, which will say that you cannot have your credit card canceled if you pay off the entire balance each month. Many people are surprised to learn that. They make the payment and say, "I am a good customer." Obviously, they got their bill and paid it. But then the company says: "We are not interested in your business anymore. If you are not going to carry a debt and pay us interest from time to time, or regularly, then we don't want you as a customer." They don't disclose that when you get the card. But you may find that out later on.

Also, if you look at the monthly statement, it says "minimum monthly payment." Well, I think there are some

obvious questions that should be answered when they say "minimum monthly payment." If I make that minimum monthly payment, how many months will it take me to pay off the balance if I don't add another penny of debt? How much will I be paying in interest? Those are not unreasonable questions. I think the average consumer should have the answer right there on the monthly statement.

I looked at my own credit card recently just to see what the minimum monthly payment might result in. It resulted in my paying off the balance in a mere 60 months—5 years. That is paying off the current balance with a minimum monthly payment.

The time may come when an individual can't pay off the credit card on a regular basis. They may have a problem and fall behind. That is understandable where the minimum monthly payment may be the only thing they can come up with. I think we have to educate consumers so they don't fall into this trap.

There is another element here that I have learned during the course of this debate. Some people are surprised to know that once they have the credit card in hand and make a purchase, if you have a debt that they are trying to pursue in bankruptcy, the credit card company not only has recourse against you personally but has recourse against whatever items you purchased with the credit card. Surprise, surprise. You turned around and bought a television or a stereo with the credit card, thinking that that was the way you were going to own it, and you get into bankruptcy court and they say that the fine print in the contract says, "We now own the television." I think that should be disclosed. People ought to know that going in. That is another example, in my mind, of the kind of activity that would lead to a more level playing field.

Those critical of the increases in filings for bankruptcy, I think, have some good cause for alarm. There are too many. If we can reduce abusive filings, we should. The average person filing for bankruptcy in America has an income of less than $18,000 a year and average debts of $28,000. So the people we find in bankruptcy court are not the wheelers and dealers and high rollers; they are folks in lower- to middle-income situations who have run into a mountain of debt that they can't cope with. I don't want to see this bill penalize those people. I want to make certain that we are careful that whatever we do does not stop them from coming to court and trying to finally discharge their debts and start again.

There is another element in this bill which I think deserves some consideration and discussion. It is called the homestead exemption.

Under a curiosity in the law, each State can determine how much we can have in a homestead exemption, which means if I go into bankruptcy court in my home State of Illinois and file for bankruptcy, they have decided by statute in that State that the maximum amount which I can claim as the value of my home—I can't recall the exact figure in Illinois, but it is relatively modest. Some States have gone off the charts. That is why we had a couple of instances where noteworthy figures—one a former commissioner of baseball, another a former Governor of one of our States—before filing for bankruptcy, moved to, in this case Florida, and in the other case Texas, and bought million-dollar homes which were exempt under State law. They took everything that they had and plowed it into the home and filed for bankruptcy. The creditors ended up with little or nothing. Thank goodness this bill, because of the amendment offered by Senator FEINGOLD of Wisconsin, is going to eliminate what I consider to be a clever loophole and an abuse in the law.

Should this bill that Senator GRASSLEY and I are working on pass the Senate, we will face a battle in conference because the House of Representatives eliminated that provision and allows each State to set whatever standard they want. I don't think that is fair. I think we ought to have a national standard. We shouldn't have people racing off to establish residency in some State to take advantage of a very generous homestead exemption. That is not fair to creditors. I hope that as a part of this debate we will preserve that important element in the law.

At this time, I reserve the remainder of my time. I yield the floor.

Mr. KYL. Madam President, about a month ago, the Administrative Office of the U.S. Courts released figures on nationwide bankruptcy filings for the 12-month period ending June 30. The figures clearly illustrate what has so many of us concerned—that is, that bankruptcy filings are becoming epidemic.

Filings for the 12-month period ending on June 30 totaled 1,429,451—an all-time high. Personal bankruptcy filings increased 9.2 percent from the same period in 1997.

Unlike other kinds of epidemics, this is one that can be avoided in many instances if credit is used wisely and people do not overextend themselves in the first place.

Certainly, extraordinary circumstances can strike any family, which is why it is important to preserve access to bankruptcy relief. No one disputes that there should be an opportunity to seek relief and a fresh start when truly extraordinary circumstances strike—for example, when families are torn apart by divorce or ill health. I suspect that creditors are more than willing to work with someone when such tragedy strikes to help them through tough times.

But there is growing evidence, Madam President, that more and more people who file for relief under Chapter 7 actually have the ability to pay back some, or even all, of what they owe. It is cases like that, where bankruptcy is becoming the option of first resort, rather than last resort, that led to the drafting of the bill before us today.

The Consumer Bankruptcy Reform Act, S. 1301, is the product of a number of hearings and months of deliberations. I would note that it enjoys broad bipartisan support, having been approved overwhelmingly by the Senate Judiciary Committee on a vote of 15 to 2. Similar bipartisan legislation in the House passed on June 10 by the lopsided vote of 306 to 118.

So what does this legislation do? Those with low incomes would continue to choose between Chapter 13 payment plans and Chapter 7 discharges, just as they do today. But to ensure that some people are not abusing the system, the bill requires bankruptcy courts to consider whether people who have higher incomes and the ability to pay a portion of their debt should be required to repay what they can under Chapter 13.

As it stands today, people with more modest incomes who live within their means are forced to subsidize wealthier individuals who abuse the bankruptcy laws. That is just not fair.

When people run up debts they have no intention of paying, they shift a greater financial burden onto honest, hard-working families in America. Estimates are that bankruptcy costs every American family an extra $400 a year.

Madam President, I want to stop at this point and single out three provisions of the bill for comment—provisions that were added in committee as a result of the adoption of amendments I offered. They represent what, in my view, are very modest, common-sense reforms of the bankruptcy system.

The first appears in Section 314 of the bill and provides that debts that are fraudulently incurred could no longer be discharged in Chapter 13, the same as in Chapter 7. Currently, at the conclusion of a Chapter 13 plan, the debtor is eligible for a broader discharge than is available in Chapter 7, and this superdischarge can result in several types of debts, including those for fraud and intentional torts, being discharged whereas they could not be discharged in Chapter 7. My amendment would simply add fraudulent debts to the list of debts that are nondischargeable under Chapter 13. It is as simple as that.

Let me take a few moments to share some of the comments that others have made on the subject. Here is what the Deputy Associate Attorney General, Francis M. Allegra, said about the dischargeability of fraudulent debts in a letter dated June 19, 1997: "We are

unconvinced that providing a (fresh start) under Chapter 13 superdischarge to those who commit fraud or whose debts result from other forms of misconduct is desirable as a policy matter."

Here is what Judge Edith Jones of Fifth Circuit Court of Appeals said in a dissenting opinion to the report of the Bankruptcy Review Commission: "The superdischarge satisfies no justifiable social policy and only encourages the use of Chapter 13 by embezzlers, felons, and tax dodgers."

Judith Starr, the Assistant Chief of the Litigation Counsel Division of Enforcement of the Securities and Exchange Commission, testified before the House Judiciary Committee on March 18, 1998. Speaking about the fraud issue, she said: "We believe that, in enacting the Bankruptcy Code, Congress never intended to extend the privilege of the 'fresh start' to those who lie, cheat, and steal from the public." She goes on to say:

> A fair consumer bankruptcy system should help honest but unfortunate debtors get their financial affairs back in order by providing benefits and protections that will help the honest to the exclusion of the dishonest, and not vice versa. It is an anomaly of the current system that bankruptcy is often more attractive to persons who commit fraud than to their innocent victims. Bankruptcy should not be a refuge for those who have committed intentional wrongs, nor should it encourage gamesmanship by failing to provide real consequences for abuse of its protections.

And she concludes:

> We support [the provision of the House bill] which makes fraud debts nondischargeable in Chapter 13 cases. Inducements to file under Chapter 13 rather than Chapter 7 should be aimed at honest debtors, not at those who have committed fraud.

A final quotation: The Honorable Heidi Heitkamp, the Attorney General of North Dakota, testified to the following before the House Committee on March 10:

> When a true "bad actor" is in the picture—a scam artist, a fraudulent telemarketer, a polluter who stubbornly refuses to clean up the mess he has created there is a real potential for bankruptcy to become a serious impediment to protecting our citizenry.

Furthermore, she says:

> We must all be concerned because bankruptcy is, in many ways, a challenge to the normal structure of a civilized society. The economy functions based on the assumption that debts will be paid, that laws will be obeyed, that order to incur costs to comply with statutory obligations will be complied with, and that monetary penalties for failure to comply will apply and will "sting." If those norms can be ignored with impunity, and with little or no future consequences for the debtor, this bodes poorly for the ability of society to continue to enforce those requirements.

Madam President, I hope there will be no dissent to these anti-fraud provisions. Certainly, there should not be. Bankruptcy relief should be available to people who work hard and play by rules, yet fall unexpectedly upon hard times. Perpetrators of fraud should not be allowed to find safe haven in the bankruptcy law.

The second amendment I offered, and which has been incorporated into this bill, is found in Section 315. It, too, is simple and straight-forward. It says that debts that are incurred to pay non-dischargeable debts are themselves non-dischargeable. In other words, if someone borrows money to pay a debt that cannot be erased in bankruptcy, that new debt could not be erased either. The idea is to prevent unscrupulous individuals from gaming the system and obtaining a discharge of debt that would otherwise be non-dischargeable.

I want to emphasize that we have taken special care to ensure that debts incurred to pay non-dischargeable debts will not compete with non-dischargeable child- or family-support in a post-bankruptcy environment.

The third amendment of mine adopted in committee is reflected in Section 316 of the bill, and it is intended to discourage people from running up large debts on the eve of bankruptcy, particularly when they have no ability or intention of making good on their obligations.

Current law effectively gives unscrupulous individuals a green light to run their credit cards just before filing for bankruptcy, knowing they will never be liable for the charges they are incurring. That is wrong, and it has got to stop.

The provision would establish a presumption that consumer debt run up on the eve of bankruptcy would be non-dischargeable. The provision is not self-executing. In other words, it would still require that a lawsuit be brought by the creditor against the debtor. Many valid claims for nondischargeability are never filed, because the creditors do not have enough money at stake to justify the litigation costs. But if this provision achieves the intended purpose, debtors will not only minimize the run-up of additional debt, they will have more money available after bankruptcy to pay priority obligations, including alimony and child support.

Again, special care has been taken to ensure that we are only talking about debts incurred within 90 days of bankruptcy for goods or services that are not necessary for the maintenance or support of the debtor or dependent child. We want to be sure that family obligations are met.

Madam President, I want to discuss one other aspect of the bill before closing, and that relates to the many provisions that Senators HATCH, GRASSLEY, and I crafted to protect the interests of women and children.

Nothing in the original version of the bill changed the priority of, or any of the other protections that are accorded to, child-support and alimony under current law. If members of the Senate have not seen the relevant analysis done by Judge Edith Jones of the Fifth Circuit Court of Appeals, I will submit it for the RECORD now. I ask unanimous consent that it be printed in the RECORD.

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

U.S. COURT OF APPEALS,
FIFTH CIRCUIT,
Houston, TX, April 30, 1998.

Senator ORRIN G. HATCH,
Senator CHARLES E. GRASSLEY,
Congressman HENRY J. HYDE,
Congressman GEORGE W. GEKAS.

DEAR SIRS: To say that I am disappointed by recent public statements criticizing the Gekas and Grassley bankruptcy reform bills is not strong enough. The quotations attributed to Professors Elizabeth Warren and Ken Klee in U.S.A. Today, April 30, 1998, p. 1, are a blatant misrepresentation of the bills and current bankruptcy law. I think we all have a right to expect more expertise and candor from tenured professors at two of our nation's outstanding law schools than are displayed in these statements.

Let me explain the obvious errors and inconsistencies in their remarks.

First, neither of the pending reform bills would weaken current bankruptcy law's attempts to protect the interests of ex-wives and children of divorce. Current law protects them in the following ways. Section 507(a)(7) of the Bankruptcy Code, U.S.C. Title 11, denominates alimony and child support payments as priority debts, payable before ordinary debts of the debtor. Sections 553(c)(1) and 522(f)(1)(A) prohibit the use of exemptions or lien-stripping otherwise permitted by section 522(f) to 523(a)(5), (15), and (18) make alimony, child support, some property settlement payments, and some debts owed to public entities for those payments nondischargeable in Chapter 7. Section 1328(a)(2) renders alimony and child support payment non-dischargeable in Chapter 13. Thus, current bankruptcy law affords special protection for marriage-dissolution claims.

Second, the Gekas/Moran Bill, H.R. 3150, would actually enhance these protections. One would think that Professors Warren and Klee would endorse these proposals if they are seriously concerned about ex-spouses and children. H.R. 3150 amends section 523(a)(5) to more broadly exempt from discharge divorce-related property settlements and attorney's fees. The bill also eliminates section 523(c), a provision which costs ex-wives a great deal of money by requiring them to litigate in bankruptcy court as well as family court over support and alimony payments. Finally, the needs-based requirement of H.R. 3150 does not kick in until priority debts, which as previously stated include those for alimony and child support payments, have been excluded from the debtor's income.[1]

Third, under current bankruptcy law, debts owed for purchases of "luxury goods" or certain cash advances obtained within 60 days of bankruptcy are presumed non-dischargeable if a creditor contends the debts were fraudulently incurred. Section 523(a)(2)(c). The House and Senate bankruptcy reform bills modestly extend the nondischargeability presumption—and it is no

[1] These descriptions of H.R. 3150 are based on the most recent version I have.

more than that—to consumer purchases within 90 days of bankruptcy. The bills hope to discourage debtors from running up large debts while knowing that they are on the verge of bankruptcy. If the debtors take the hint from these bills, they will not run up their debts and will have more money available after bankruptcy to pay alimony and support obligations. Indeed, any ethical attorney rendering bankruptcy advice after the passage of this section would counsel his clients not to run up extraordinary consumer debts within 90 days of bankruptcy. Professors Warren and Klee must either think that this provision would not influence the conduct of ethical attorneys and debtors or that many or most debtors routinely run up debt just before they file bankruptcy.

Fourth, after this provision is enacted, consumer debts incurred within ninety days of bankruptcy will become non-dischargeable only if (a) debtors don't take the hint from the statute, (b) debtors run up consumer debts within 90 days pre-bankruptcy under circumstances that are fraudulent, (c) the amount thus run up on a particular creditor is large enough to make it worthwhile for that creditor to sue in bankruptcy court under §523(c)(1), and (d) a final judgment of non-dischargeability is actually entered. Professors Warren and Klee know very well that this non-dischargeability provision is not self-executing and requires a lawsuit by the creditor against the debtor. They are also aware that many valid claims for non-dischargeability are never filed, because the creditors do not have enough money at stake to justify the litigation costs.

Fifth, Professor Warren's criticism of the family-friendliness of these reform bills puzzles me. As a member of the National Bankruptcy Review Commission. I proposed to strengthen section 523(a)(5) to enhance the protections of former spouses and children in relation to property settlements, and Professor Warren offered no assistance or encouragement whatsoever. As Reporter to the Commission, moreover, Professor Warren set the agenda for the five Commission members who rejected my proposal.

Sixth, Professors Warren and Klee are apparently harping on one provision of comprehensive bankruptcy bills in hopes of defeating the entire reform effort. Surely, while that approach might be effective politics, it is not intellectually defensible for bankruptcy specialists who are members of the academic community. This complex, multi-faceted and much-needed bankruptcy legislation clarifies the bankruptcy law, makes it more uniform nationally, and will streamline the process. But Professors Klee and Warren are not attempting to be precise, only to be obstructionist.

I hope that the important debate over bankruptcy reform will proceed on an intellectual, not an emotional level.

Very truly yours,

EDITH H. JONES.

Mr. KYL. Even though current law is clear—and even though the original version of the bill made no change in the protections that it provides—concerns were expressed that provisions of the legislation might indirectly or even inadvertently affect ex-spouses and children of divorce. Assuming that critics were operating in good faith—and because our intent was always to ensure that family obligations were met first—Senators HATCH, GRASSLEY, and I crafted an amendment to remove any doubt whatsoever about whether women and children come first.

The Hatch-Grassley-Kyl amendment elevates the priority of child-support from its current number seven on the priority list for purposes of payment to number one—ahead of six other items, including lawyer's fees that are now afforded higher priority. Our amendment mandates—mandates—that all child support and alimony be paid before all other obligations in a Chapter 13 plan. It conditions both confirmation and discharge of a Chapter 13 plan upon complete payment of all child support and alimony that is due before and after the bankruptcy petition is filed. It helps women and children reach exempt property and collect support payments notwithstanding contrary federal or state law. It exempts state child-support collection authority from the automatic stay under bankruptcy law to ensure prompt collection of child-support payments. And it extends the protection accorded an ex-spouse by making almost all obligations one ex-spouse owes to the other non-dischargeable.

Despite the various protections we have laid out, I know that some will still contend that child-support and alimony could be placed in competition with other debts that are made non-dischargeable by other provisions of the bill. But if placing more debt into the non-dischargeable category were really harmful to the interests of women and children, critics would also object to an amendment that Senator TORRICELLI offered in the Judiciary Committee—an amendment that added tort judgments for intentional torts causing personal injury or death to the list of non-dischargeable debts. But the Torricelli amendment passed without objection in committee. As a society, we have decided that people who do harm to others should be held accountable for their actions. Senator TORRICELLI's amendment will do that, and I support it.

Let us keep several points in mind about the debts that are made non-dischargeable by the bill. First, even though they are made non-dischargeable, they are given a lower priority for payment than child support and alimony. The Hatch-Grassley-Kyl amendment makes that crystal clear.

Second, the debts made newly non-dischargeable by the bill include debts incurred by fraud, debts run up on the eve of bankruptcy by those with no intention or no ability of paying, and debts that are incurred to pay otherwise non-dischargeable debts. We are talking about abusive use of credit. Are those who still contend we have not gone far enough really suggesting that individuals who engage in fraud and other abusive credit practices should be allowed to have those debts erased or otherwise sanctioned by the bankruptcy code? I hope not.

When people run up debts they have no intention of paying—when people are allowed to walk away from fraud and other harm caused to others—they shift a greater financial burden onto honest, hard-working families in America, including those that depend on child support to make ends meet. As I indicated at the beginning of my remarks, estimates are that bankruptcy costs every American family an extra $400 a year. Bankruptcy reform can reduce that burden.

Former Senator Lloyd Bentsen, who served as President Clinton's original Treasury Secretary, wrote an excellent column about abuse of the bankruptcy code, and ask it be printed in the RECORD at the conclusion of my remarks.

Madam President, failure to pass bankruptcy reform this year would be unfair to the millions of Americans who play by the rules, work hard every day, and struggle to pay their bills.

This bill does not go as far as I would like, but in the interest of moving it to final passage in the relatively short amount of time before adjournment, I will support the bill in its current form. I hope my colleagues will join me in voting in favor of the legislation.

I ask unanimous consent that the article by former Senator Bentsen be printed in the RECORD.

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

GET TOUGH ON BANKRUPTCY LAWS

(By Lloyd Bentsen)

One of the most troubling financial contradictions of this decade of solid economic expansion is that while inflation has been low, unemployment down and personal income up, personal bankruptcies have been skyrocketing. Real per capita disposable income grew by 13 percent from 1986 to 1996, while personal bankruptcies more than doubled, hitting a record high of 1.2 million last year. This divergence between a healthy economy and rapidly rising bankruptcy filings is due to a relatively new phenomenon—the "bankruptcy of convenience."

This dramatic increase in personal bankruptcies has come with no corresponding growth in the traditional factors that correlate with bankruptcy—divorce, catastrophic health crises and job loss: The increase is driven largely by a federal bankruptcy system that discourages personal responsibility by encouraging people who can afford to pay down their debts to simply walk away from them through bankruptcy.

With growing frequency, bankruptcy is being treated as a first choice rather than a last resort, a matter of convenience rather than necessity. According to a Purdue University study, nearly half of the people who file for bankruptcy could repay a significant amount of their outstanding obligations, but instead choose to renege. Bankruptcies of convenience now constitute a significant and rising percentage of personal bankruptcy filings, and the cost to consumers from this trend is enormous.

When irresponsible spenders who can afford to pay all or part of their debt declare bankruptcy, consumers and other borrowers get stuck with the tab. It has been conservatively estimated that personal bankruptcies amount to a hidden tax of $408 per

household personally, and it takes 15 responsible borrowers to cover the cost of one bankruptcy of convenience.

The ease with which a bankruptcy can currently be obtained irrespective of need is captured in a recent advertisement: "Financial problems? Get instant relief. You may be able to keep everything—Payback nothing!" The brazenness of this advertisement is indicative of how far bankruptcy laws have traveled from their original intent.

My former colleague Sen. Daniel Patrick Moynihan, Democrat of New York, coined an apt phrase for describing this and other similar lapses in societal responsibility. He called it "defining deviancy down." To a growing number of middle class and fairly wealthy Americans, it is perfectly acceptable to treat bankruptcy as a financial planning tool, and to expect others to pay the price for debts that they choose not to honor—even if these obligations can reasonably be repaid over time. While, there is nothing wrong in legitimately admitting financial defeat by filing bankruptcy when one cannot repay debts, many people seem to be losing the justifiable sense of embarrassment Americans once felt in asking others to shoulder their burden.

Congress and the administration should act to stem the expensive and corrosive spread of bankruptcy abuse, while taking care to protect the ability of people with legitimate financial problems to enter into bankruptcy. The first step toward reversing this trend is a bill that Reps. Bill McCollum, Florida Republican, and Rick Boucher, Virginia Democrat, introduced Wednesday that would shield consumers and responsible borrowers from the costs forced on them by bankruptcy abusers in the form of higher costs or tighter credit.

The aim of the McCollum-Boucher bill is simple. It would reestablish the link between bankruptcy and the ability to pay one's debts. This is simply a matter of equity and responsibility, and this bipartisan bill should enjoy broad support. Over the course of the past two decades, the connection between financial means and bankruptcy has been severed by federal legislation, and by a change in social mores removing the stigma from filing bankruptcy. In 1978, Congress loosened bankruptcy standards to such an extent that one's financial condition is hardly a consideration anymore. At the same time, our society "defined down" the personal responsibility of borrowers to make good on their debts.

Now, it is the responsibility of the Congress to act to rectify this problem, it inadvertently helped to create two decades ago. In the Senate and as secretary of the Treasury, I worked with legislators from both parties to pass legislation that promotes habits that lead to financial self-sufficiency. Failure to legislatively stem the rising tide of bankruptcies of convenience, however, could endanger the progress made through these incentives for saving and investment. In addition to raising questions of fairness, imprudent use of bankruptcy laws could also produce an undesirable market response.

Both Democratic and Republican members of Congress, and the administration, have a duty to safeguard our growing economy. As an article in the August 4 issue of Fortune magazine noted: "Eventually, a rising bankruptcy rate leads to tighter credit. Today's default rate is beginning to eat into some national lenders' profits, and some of them are already starting to pull back....Some restraint may be beneficial, but too much could mean a major credit squeeze." Our current level of economic growth cannot continue without sufficient investment and available credit. A rising tide of bankruptcies will sink all ships—and most hurt those who need credit most.

I am optimistic that Congress will address this burgeoning problem and firmly believe that the public supports change. Public opinion is running strongly in favor of tighter bankruptcy laws. Seventy-six percent of respondents to a poll conducted for the National Consumers League said that individuals should not be allowed to erase all their debts in bankruptcy if they are able to repay a portion of what they owe, and 71 percent said it is too easy to declare personal bankruptcy.

In the United States, we believe that through hard work anyone can become a success. America's bankruptcy laws reflect a fundamental element of our nation's entrepreneurial spirit. Their intent is to ensure a fresh start for those who try and fail, and they form an important thread in our social safety net. But when some people systematically abuse a system at great expense to the rest of the population, twisting the fresh start into a free ride, Congress must step in and tighten up the law to protect those who unfairly bear the cost. When it comes to bankruptcies of convenience, that time has come.

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

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

Mr. BIDEN. Madam President, I ask unanimous consent—I have the impression that this is all right with the majority and minority—that I be able to proceed as in morning business to speak on the situation in Russia for up to 30 minutes, or shorter if anyone comes to the floor and wishes to resume the business of the Senate?

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

CRISIS IN RUSSIA

Mr. BIDEN. Madam President, I rise today to discuss the political and economic crisis in Russia, which poses, to state the obvious, a grave threat to the security of the United States and the entire international order. The situation in Moscow is rapidly changing, so by the time I finish these statements today, Lord only knows, something may have happened in the meantime. Things are that fluid.

Although the situation is rapidly changing, in the wake of last week's summit, five basic trends seem to be clear. First, the Yeltsin era is about to end. Second, because of structural problems in Russia's political and economic system, there is no short-term fix to Russia's economic crisis. Third, an even greater danger than an economic meltdown is the total collapse of the Russian political system, which would have catastrophic ramifications for the international security system. Fourth, in order to forestall such a collapse, the Yeltsin administration—or perhaps even a transition regime—will almost certainly take some immediate economic measures that will, at least temporarily, set back Russia's progress toward a free market economy. And, fifth, there is very little that the United States can do to affect this grim situation. It is fundamentally a Russian problem with deep cultural roots.

Madam President, President Clinton, in my view, was correct in going through with last week's Moscow summit. If he had canceled or postponed the meeting, I think it would have sent signals to the world that the United States had written off the reform effort in Russia which, despite the very serious recent setbacks, has nonetheless achieved a great deal over the past 6½ years. I might note, parenthetically, that it may have achieved enough to prevent a total reversion to despotism in Russia. But that remains to be seen.

Moreover, for all its built-in problems, the summit did produce a few modest agreements. Most important among them, as mentioned by others, was the agreement whereby the United States and Russia will each convert approximately 50 tons of plutonium withdrawn in stages from nuclear military programs into forms unusable for nuclear weapons.

The plutonium management and disposition effort will require several billion dollars, but I can think of no joint effort between our two countries that is more worthy of support.

As you know, Madam President, because you are well schooled in international relations and have spent a career in the House and the Senate dealing with these issues, the reason that an economy only the size of Holland is having such a profound impact on the rest of the world is because of the military danger that its collapse would cause. If the Russian economy collapses and causes societal and political instability, there are 15,000 nuclear weapons there that could fall into the hands of unreliable and perhaps unstable leaders in a fractured country. So the effort to deal with, for example, taking 50 tons of nuclear-grade material and rendering it incapable of being used in a military context seems to me to be well worth the buy, well worth the effort along the lines of the Nunn-Lugar bill in the destruction of nuclear capacity.

Despite this and a few other achievements, though, the summit could not, I regret to say, conceal the terminal condition of the Yeltsin Presidency. Watching film of the summit press conference was a painful exercise, for the Russian President clearly showed his infirmity. This medical condition, together with the nearly total absence of

popular support for President Yeltsin and his government, makes a change in the near future seem inevitable.

Boris Berezovsky, the most prominent leader of Russia's new industrial tycoons—the power behind the throne—has already indicated in an interview that President Yeltsin's days in office may be numbered.

The structural problems in Russia's economy are simply too serious to lend themselves to an easy solution. Many factors have contributed to the sorry state in which the economy now finds itself.

The Asian financial crisis forced a general reappraisal of international lending in emerging economies. As investors retreated to safety, doubts about Russia's ability to protect the ruble became a self-fulfilling prophecy.

The 50-percent drop in worldwide crude oil prices within the last 18 months severely harmed Russia's hard currency earning capacity, weakening an important support for its currency and its ability to pay international debts.

But more fundamentally, Russia has been hamstrung by an inability to create the necessary preconditions for being a player in the international economic system. President Clinton outlined them in his usual lucid way in a speech to students in Moscow.

Russia must create a full-fledged rule of law with fair enforcement mechanisms. It must put into place modern taxation and banking systems. Investors, domestic and foreign, must have confidence that they will not have the rules changed in the middle of the game.

In return, Russians, especially the large Russian corporations, must pay their taxes so that the Government can get its fiscal house in order and will not have to resort to the printing press to cover its deficits. The Russian "kleptocracy" must end.

Madam President, I was speaking by telephone with one of the more prominent businessmen in my State about an hour before I came over to the floor. He is in the poultry business. He called to ask me what I thought about the current situation in Russia. He has several million dollars' worth of product in Kaliningrad. They have a rule there that if, in fact, it is not purchased within 90 days, it can be confiscated. So he has to decide whether to keep it there and run the risk of confiscation or get it out of there and try to market it someplace else. In his factory in Delaware he has an equal amount of product with Russian labels, which is poultry to be sent to Russia. He wanted to know what I thought was likely to happen, and so on and so forth.

As I talked to him—he is a very bright guy who has been doing business in Russia in earnest now for the last 4 or 5 years—I asked, "What do they need most?"

He replied, "I never thought I would say this as a conservative businessman. What they need most is the IRS over there."

I said, "Say that again?"

He repeated, "What they need is the IRS over there."

The truth of the matter is, one of the reasons their economy is in such horrible shape is that no one is paying their taxes. These are precisely the measures the International Monetary Fund has been urging on the Yeltsin government, but they remain largely unfulfilled.

The only thing worse than the Yeltsin government paralyzed by an economic meltdown would be a coup d'etat that installed an authoritarian government. It takes little imagination to contemplate the horrible dangers of a resentful, extremist regime that still possesses thousands of missiles armed with nuclear warheads.

Such a scenario, while still unlikely, is not beyond the realm of possibility, especially if Yeltsin's new candidate for Prime Minister, Yevgenii Primakov—who is almost certain to be confirmed by the Duma—is unable to rapidly stabilize the situation.

By tomorrow afternoon, I think Primakov will be confirmed by the Duma. In order to forestall a political catastrophe, I believe the Russian Government in the coming days will take economic steps that may, in the short run, avoid a revolutionary situation but in the long run will make it a heck of a lot harder for them to ever get their economic house in order.

These steps will probably include putting an infusion of currency into the economy through a large-scale increase in Government spending to pay the back wages of state employees, including the military, a process which, in fact, seems already to have begun.

Moreover, there will likely be some form of wage and price controls, foreign currency restrictions, and renationalization of some industries—all the wrong things to do. But in fairness to the Russians, I wonder if any of us were taking over that Government at this point, we would do anything short of that to avert a civil catastrophe. Such moves, we must realize, would likely doom Russia's chances of receiving the next payment of the $22 billion of the international support package negotiated just a month ago.

I believe in the long run Russia's march toward a free-market economy is inevitable, notwithstanding what I said, but some emergency measures may be a necessary short-term detour to avoid the kind of complete calamity that a coup d'etat or popular uprising would bring. I am not predicting either a coup or an uprising, but I believe that the Russian leadership will conclude that is a risk they wish not to take.

Unfortunately, there is very little the United States can do right now to influence events in Russia.

Despite the deteriorating international economic enviroment and the inevitable mistakes that have occurred as part of well-intentioned assistance efforts, I do not believe that the United States or the West in general should feel that they are responsible for the Russian collapse.

As I said on the floor last spring in the course of the Senate debate on NATO enlargement, we have wisely not repeated the mistakes made after World War I with respect to Germany. There is no parallel with Weimar.

Rather than imposing staggering reparations on a defeated enemy, the capitalist world has pumped $100 billion in aid, loans, and investments into Russia.

Rather than isolating Russia internationally as the victorious allies did with Germany well into the 1920s, we encouraged Moscow and welcomed her into a variety of international organizations.

We must confront the inescapable fact that the root causes of Russia's stunning descent into chaos lie in her own history and culture.

Centuries of serfdom and submission to foreign conquerors and autocratic tsars hampered the development of political democracy and a civic culture in Russia.

Then at the beginning of the 20th century, just when both—that is, a civic culture and a political democracy—were nonetheless beginning to emerge Russia was hit first by World War I and then by the Bolshevik Revolution and civil war.

I believe the 7 decades of communism that followed offer the best explanation of the current disarray in Russia.

The tangible devastating legacies of communism are well known: millions killed by Stalin's mad collectivization and purges, environmental degradation, and a massive deterioration in public health and life expectancy.

There is also a philosophical legacy that bears directly upon today's impasse. Marxism's basic tenet, the class struggle. Some scholars may disagree with me, and I am sure I will hear from them when I say this.

The entire political class now vying for power in Russia was taught to believe that economic class determines one's interest, that life is, in essence, a zero-sum game. If you, my opponent, win, that must mean that I lose.

Such a mindset stifles mutual trust and makes compromise in the political arena extremely difficult. The result is that democratic Russia has developed relatively few individuals who in the West would be called or could be called a "loyal opposition."

Last year on a visit to Moscow, I held lengthy discussions with several of the leaders who have been in the forefront of the opposition to Chernomyrdin.

The Communist Party leader Gennadii Zyuganov and the nationalist

leader, former general Aleksandr Lebed, both struck me as intelligent, thoughtful men, but distrustful and conniving ones who put self before country.

Only Grigorii Yavlinsky, the leader of the Yabloko Party, seemed to be one who might fit into our category of the "loyal opposition." I am told that he may be named First Deputy Prime Minister if Primakov is confirmed as Prime Minister by the Duma. That would be an encouraging sign. We will know by tomorrow or the next day whether that is true.

One can argue endlessly about what the United States might or might not have done to avert the current catastrophe.

But before we indulge in "who lost Russia?" finger-pointing, it is well to look at Poland, where western-style economic shock-therapy was applied, the population suffered but endured, and the country emerged immeasurably strengthened.

Lest one thinks this is a communist-era comparison of a giant and a midget, I would point out that Poland's nearly 40 million population is now in the same general league as Russia's, which is down to 147 million from the Soviet Union's 270 million.

More importantly, Poland's gross domestic product is approximately one-third of Russia's, so a fair contrast, I believe, can be drawn.

Poland's political culture and sense of nationhood were solid enough to support the wrenching, but necessary, economic reforms. Neither was present in Russia.

Perhaps the shorter period of communist rule in Poland than in Russia and the sense that communism had been an alien creed imposed upon the country were factors that mitigated the corrosive ideological effects of Marxism.

Whatever the ultimate explanation, the sad fact is that Russia's political culture, unlike Poland's, proved unable to provide the underpinning for successful economic reform thus far.

The fundamental problem, is not that Russia carried out too many democratic and capitalistic reforms too soon, but rather that it did not carry them out fully.

The Russians now bear the principal responsibility for sorting out their colossal problems. The United States should continue to offer encouragement and support.

Most importantly, we must keep our eye on the first priority of preventing the collapse of Russian democracy along with their economy.

(Mr. COATS assumed the Chair.)

Mr. President, you come from an agricultural State, larger but not unlike mine. I suspect in the coming days and weeks, there are going to be people who will agree with me, and maybe others already do, that one of the ways in which we can deal with Russia's problems in a positive way in the near term is by providing significant food aid, because shortly we may see significant shortages of food in Russia on the shelves.

The EU is already considering a significant food aid program. Maybe that is one of the things we can do in the short term to help stem the erosion of civic support for democracy in Russia. The point that has to be kept in mind is that we have a clear interest in Russian democracy, along with the emerging prospect of a Russian market economy. But it ultimately rests with the Russians, and they have some very, very tough decisions to make.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. If the Senator from Massachusetts would withhold just a moment.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Indiana, asks unanimous consent that the debate on the pending bankruptcy bill continue in status quo until the hour of 6 p.m.

Mr. KENNEDY. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just a short while ago I was informed that the majority leader was looking for amendments to the bankruptcy legislation and also mentioned my name during that discussion. I am quite prepared to call up our amendment at the present time, Amendment Number 3540, and move for consideration of that amendment.

The majority leader indicated—I am getting the transcript—that he was prepared to enter in a time agreement on this amendment, and that he was inviting amendments to the bankruptcy bill. I am here on the floor now prepared to move ahead, and I am also willing to enter into a reasonable time limit. Therefore I am constrained to object given what the majority leader has stated.

The PRESIDING OFFICER. Objection is heard.

The Chair, in its capacity as a Senator from the State of Indiana, suggests the absence of a quorum.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Indiana, objects and announces that very shortly someone from the leadership of the Republican side will be appearing on the floor to discuss this issue with the Senators.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I hope to have an opportunity to talk about the economy and agriculture and what is happening in my State.

I ask unanimous consent that the quorum call be dispensed with.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Indiana, reluctantly objects to the Senator's request and asks the clerk to call the roll.

The bill 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.

I ask unanimous consent that debate on the pending bankruptcy bill continue in status quo until the hour of 6 p.m.

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

Mr. LOTT. Let me say, Mr. President, I indicated to the Senator from Massachusetts that I think we have an agreement worked out in a fair way to handle his amendment with regard to minimum wage, but we are still having to work to see if we can get something agreed to on the bankruptcy reform bill. I understand that may take some considerable time yet, but Senator GRASSLEY is working on it, as well as Senator DURBIN and others who have been in contact with the White House.

I think a good-faith effort is underway. If it can be worked out in 3 hours, that would be magnificent. We would have the vote on Senator KENNEDY's amendment and we could go to the bankruptcy issue and have votes and get this issue completed. If we can't get the agreement worked out on bankruptcy reform, then we would have a cloture vote tomorrow as is scheduled, and we would go on to other issues. I am sure Senator KENNEDY will then offer his amendment on something else. That is where we are now. Everybody is working in good faith. We will hope for the best.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

MINIMUM WAGE AMENDMENT

Mr. KENNEDY. Mr. President, I thank the leader for his explanation. As I mentioned earlier, I am prepared to enter into a reasonable time agreement for this amendment. But I do want to give the Senate the opportunity to express itself on this amendment because it is of such vital importance for so many millions of Americans who depend upon the minimum wage for their survival, and who have

seen, over the past several years, a decline in the purchasing power of the minimum wage.

I will just take a few moments now to continue some of the thoughts that I expressed last evening. I see that Senator WELLSTONE wants to address some of the needs of his own State. I will not take much of the Senate's time now. But I will either take additional time this evening when the Senate concludes its business, or at other opportunities, because this is an issue of great importance.

Mr. President, I pointed out last night what has happened to the purchasing power of those who earn the minimum wage. Even with the increase I propose, which is 50 cents in January of next year and 50 cents the following year—even if we are successful, the purchasing power of those at the lower economic levels will still be substantially lower than it was during the 1960s, 1970s, and the early 1980s.

This is at a time of extraordinary economic prosperity—the greatest prosperity we have had in this country, with great economic growth, and low inflation, a budget that is balanced, and an increasing surplus. The real issue is: Are we going to reward work? Are we going to say to men and women who work 40 hours a week, 52 weeks a year, that they are going to be out of poverty in the most powerful Nation in the world, with the strongest economy in the world? That is something that I believe is very basic, very fundamental. It is an issue of fairness, and an issue that will not go away. That is why those of us who support it are going to be persistent in insisting that we are going to have a vote on the issue in these next several days. Because we are not permitted to have a freestanding bill, we have to use an amendment strategy so the Senate can address this issue. But address it the Senate will.

Last evening, Mr. President, I pointed out and responded to 2 of the arguments that are constantly made in opposition to an increase in the minimum wage. The first argument is that it adds to the rate of inflation. I also pointed out last night that we have the lowest rate of inflation of any time when the Senate has considered an increase in the minimum wage since the end of World War II.

The second argument is that raising the minimum wage increases unemployment. Last night I pointed out that we have the lowest unemployment rate of any time we have considered an increase in the minimum wage since the end of World War II.

These two claims are continually offered by opponents of an increase in the minimum wage. But they do not hold water. The facts belie those claims.

Other issues have been raised, Mr. President. One was, what will be the impact on small businesses? A recent survey by the Jerome Levy Institute for Economics shows that 90 percent of small businesses said the last increase in the minimum wage had no impact on their hiring or employment decisions. Only one-third of 1 percent said they laid off workers. If the minimum wage were increased to $6 an hour, fewer than 3 percent said they would hire fewer employees or lay off existing workers. Over 90 percent said they anticipated no ill effects from such increases.

That data has been substantiated by the Small Business Administration, which pointed out that, in 1997 alone, industries dominated by small business created 60 percent more jobs than did industries dominated by the large firms. Last year, over 1.2 million new jobs were created in the sectors dominated by small businesses, which often are those that pay minimum wage to their workers.

This data contrasts starkly with the rhetoric from the National Restaurant Association, the National Federation of Independent Business, and other naysayers. Those groups continue to cry "wolf" about the impact of raising the minimum wage. They should ask their members what really happened after the last increase, before they try to feed Senators the same empty arguments.

These interest groups do not speak for all small businesses in the country. 115 small businesses from across the country have joined the Campaign for a Fair Minimum Wage. They come from 16 States and the District of Columbia, and they include restaurants, retail stores, banks, investment firms, publishers and communications companies.

These firms understand that raising the minimum wage is good for employers as well as employees. Fair pay for workers improves productivity and reduces turnover. That is extremely important.

Another point I want to mention, Mr. President, is what is happening to living standards for low-income Americans, including minimum wage workers. Many low wage workers are desperate for this kind of assistance. Nationwide, soup kitchens, food pantries and homeless shelters are increasingly serving the working poor—not just the unemployed. According to a U.S. Conference of Mayors study in 1997, requests for emergency food aid increased in 86 percent of the cities surveyed, and 67 percent of cities cited low-paying jobs as one of the main causes for hunger.

Here we have individuals who are making the minimum wage and don't earn enough to keep themselves and their children out of soup kitchens. This is powerful evidence about what is happening to the working poor. The purchasing power of these workers has declined, as I discussed last night. This is more dramatic evidence about the significant increase in working poor families who are forced to rely on soup kitchens and charities. This is something that the mayors understand. This is something the mayors have indicated is of increasing concern to all of them. We have an opportunity to do something about that for families who are making the minimum wage, and that is an additional reason for this increase.

Mr. President, we can also look at the effect of the increase that I am proposing—the two 50-cent increases that will bring the minimum wage to $6.15 in the year 2000. But that amount translates to just $5.74 in purchasing power in the year 2000, even if we go ahead.

Now, what else is happening to wages in our country? Salaries and bonuses paid to executives have never been higher, Mr. President. In April, the Wall Street Journal surveyed executive pay at 350 of the country's largest firms. The median CEO salary and bonus in 1997 was $1.6 million, or $770 an hour. The CEO takes less than 2 days to earn what a minimum wage worker earns in a full year.

The same groups that complain about an increase in the minimum wage are the ones that have made dramatic increases in the payment of their officials, Mr. President. On the one hand, they say, "We can't afford to pay a 50 cent or $1 increase in the minimum wage"; yet, they are able to afford millions more in salaries and stock options to their executives.

Over 170 groups have joined the Campaign for a Fair Minimum Wage. They include religious groups, such as the American Friends Service Committee, the Union of American Hebrew Congregations, the United Methodist Board of Church and Society, the United States Catholic Conference—and dozens more.

Women's organizations are also represented: the American Association of University Women, the National Committee on Pay Equity, the National Partnership for Women & Families, the National Women's Political Caucus, the Older Women's League, and many others.

Civil rights groups also support the Campaign. These groups and others understand that the minimum wage is a civil rights issue—a partial list includes the American-Arab Anti-discrimination Committee, the Asian American Legal Defense Fund, the NAACP, the National Council of La Raza, the Rainbow Coalition, the Southern Christian Leadership Conference, and many more.

Trade unions have joined the Campaign, too. Virtually every union member earns more than the minimum wage, thanks to union representation at the bargaining table. But that

hasn't stopped the AFL–CIO, AFSCME, the Communications Workers, the Steel Workers, the Service Employees and other unions from strongly supporting this increase. They believe that every working American deserves a decent wage, and they are working hard to achieve that result.

Mr. President, we will continue to consider the issues that have been raised in past debates on the minimum wage. We are eager to debate these issues on the floor of the U.S. Senate and give the membership an opportunity to vote on this issue.

As I have mentioned, and will continue to say time in and time out, this is an issue of fundamental fairness and decency. It is a real reflection of the kind of values which this institution has.

This is a women's issue because the majority of minimum wage workers are women. It is a children's issue because many of those women have children.

It basically is a fairness issue. And we are very hopeful that we will have the opportunity to debate this and have a decision on this issue in the U.S. Senate.

The PRESIDING OFFICER. The Senator from Utah is recognized.

ORDER FOR MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that at 6 p.m. there be a period for the transaction of routine morning business with Senators permitted to speak for up to 10 minutes each.

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

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

CONSUMER BANKRUPTCY REFORM ACT OF 1998

The Senate continued with the consideration of the bill.

THE MINIMUM WAGE

Mr. WELLSTONE. Mr. President, let me, first of all, say that as we go into this debate—and I am pleased to be joined with Senator KENNEDY; I have spoken about the importance of raising the minimum wage—I look forward to having the opportunity to debate this with colleagues.

I guess I have reached the conclusion—I think this is sort of the common ground with the Chair—that the best single thing we can do in the Congress, in the House and the Senate, is to do everything we can to enable parents to do the best by their kids, or a single parent to do her or his best by children. I really do believe that this means many different kinds of things. But one of them certainly is to try to make sure that people have a living wage. I think it is terribly important.

I think it is a value question. I look forward to the debate. I will be out on the floor with my colleague, Senator KENNEDY, and others as well.

CRISIS IN AGRICULTURE

Mr. WELLSTONE. Mr. President, I want to talk for a moment, or for a little while here, about what is happening in the Midwest. I had thought that perhaps this afternoon I would have an opportunity as a Senator from Minnesota to join my colleagues from other Midwestern States with an amendment that would speak to the crisis in agriculture. That didn't happen this afternoon.

For those who are watching this debate, now that there is an attempt to work out an agreement on this bankruptcy bill with a potential cloture vote tomorrow, it doesn't look like we will be able to introduce this amendment, at least today. But I do want to just say to colleagues—I know that a number of us will be on the floor tomorrow—that my top priority as a Senator from Minnesota is to bring to the floor of the Senate, with other colleagues, an amendment that would really make a difference in the lives of family farmers in my State.

Mr. President, we have an economic convulsion in agriculture. There is tremendous economic pain in our rural communities.

Many farmers and their families are just leaving their farms now. They are doing it quietly. It is not so much like the mid-1980s where you really saw a lot of farm rallies and marches and whatnot. That may happen. That may not happen. I don't know.

I know that when I go to farm gatherings—whether it be in Fulda, MN, or in Granite Falls, MN, or Crookston, MN, it is quite unbelievable with the number of people that come.

The fact of the matter is that with farmers now receiving somewhere like $1.42 for a bushel of corn, there is just simply no way—or $2.15 for a bushel of wheat—they can't cash-flow.

My friend, the Presiding Officer, is from the State of Indiana. And he knows something about this issue.

You can be the best manager in the world. You can't make it. If you are not a huge conglomerate, then you have more of a family farm operation, which really ranges in terms of numbers of acres of land. But the important part of it is that it is entrepreneurship. The people that work the land live there. These are the people that are in the most trouble.

For those of us who are from the Midwest—in a way, I approach this debate with a sense of history, because I think in many ways this is sort of one of the last regions of the country where you have a family farm structure in agriculture.

Mr. President, what I want to say to colleagues, understanding full well that we will not be able to do this on the bankruptcy bill, though I must say to my colleague from Iowa, a very good friend, that there is unfortunately a very direct correlation between what is happening, as he well knows, to family farms in our State and bankruptcy.

If we can't do this amendment that will speak to the farm crisis on the bankruptcy bill, then the very next vehicle that comes to the floor—the very next bill—we absolutely have to have an amendment out here.

We may have some different views about what needs to happen. But I will tell you that the amendment that I see which must be brought to the floor first and foremost is we are going to have to remove the caps on the market assistance loans. We can do other things as well and allow a 6-month loan extension. Corn right now is capped at $1.89 a bushel. This would get it up to $2.00, $2.20, $2.25. Wheat is capped at $2.58. This would get it up to $3.20. This would be the single most important thing we can do, along with providing indemnity payments that we have all been talking about.

We passed this before we went on recess. It is going to have to be more by way of financial assistance, given what is happening to a lot of farmers in the South as well, because of weather conditions. And in our State, in northwest Minnesota, it is also scab disease. But we have to do those two things.

Mr. President, I want to say to colleagues that I don't feel like time is neutral. In many ways, I feel like as a Senator from Minnesota that I am confronted with the urgency of now. I am trying to say to myself, "You are here as a Senator. What is the best thing you can do?"

We have a bankruptcy bill. We can't put this amendment on the bankruptcy bill. But the next bill that comes to the floor next week, or the end of this week, we are going to be out here with an amendment that speaks directly to this farm crisis. We have to. It would be like not being a Senator from your State not to do this. I think every Senator on this floor, Democrat and Republican, understands this. I hope that we will have this amendment in the Chamber no later than the beginning of next week, if not tomorrow, although I am not quite sure how we are going to proceed on this bankruptcy bill. And if not that, there will come a point in time where probably the best thing I can do, if we are completely shut out—and I hope this won't happen—will be to come to the floor and filibuster, just basically stop everything.

I don't think that will happen, but there is no way, there is no possible way, that I can go back home to the State of Minnesota and look in the eyes of a lot of people I really love and believe in without having made an all-

out fight. We have only, what, 3 weeks left.

So my appeal to colleagues is, look, it is getting hard to find the time to do some of what we think are our priorities. I wanted to see us out on the floor with this amendment today. That is not going to be possible as we try to work out something on the bankruptcy bill.

It is a bitter irony for me to see "bankruptcy bill." My gosh, that is what is happening in my State. That is what is happening all across greater Minnesota right now. People cannot make it. We cannot do the amendment on the bankruptcy bill. But whatever the next bill is, I guess at the beginning of next week we will have this amendment out here. I know how strongly Senator DASCHLE from South Dakota feels about this. This is his State, agriculture. There are other Senators from the Midwest who believe just as strongly, Democrats and Republicans.

But I just want to say to Minnesota and to my colleagues, there is no way in the world that I can see us adjourning without taking action. There is just no way. It would be just impossible to go back into greater Minnesota to meet with people in communities and say, "Well, we had too busy a schedule. It was too difficult to find a 'vehicle'." No one knows what you are talking about—vehicles. I said it 5 minutes ago: "We are looking for a vehicle." No one knows what that means. But just to try to say to people in Minnesota, "We only had a few weeks, and there was too busy a schedule; there were many important appropriation bills that we had to pass; there was no way to find the time," people would say, "Aren't we a priority?" They would say, "Paul, aren't we a priority?—$1.40 for a bushel of corn, $2.50, $2.60 for a bushel of wheat. What about us? What about our children? What about our families? What about our communities?"

So, again, move the caps on the market assisted loans and allow a 6-month extension. You have to get the price up. It is price, price, price. There is no substitute for getting the price up. If we can debate this, I don't even want to have an acrimonious debate. Those who thought that the Freedom to Farm —which I always called the "Freedom to Fail"—bill was an important piece of legislation, call it a modification, just a modification. We still have a loan rate. We just cap it at a very low level. Call it part of what we do by way of disaster relief, by way of emergency assistance, because this is an emergency. This is a disaster. The record low prices are a disaster. It is an emergency because people are not going to be able to continue to stay on their farms.

What people are asking for in Minnesota, in my State, is not anything more than a fair shake. They are just saying give us an opportunity to have a decent price in the marketplace.

Let me tell you, the grain companies will do just fine, but these family farmers will not. This "Freedom to Fail" bill has been a disaster in and of itself. We have to at least come back and have some kind of modification, some kind of safety net, some kind of way that farmers can get a better price. We also have to make sure that we get these indemnity payments out to people. People need the cash assistance so they can keep going.

Mr. President, those are the two major provisions. There will be other provisions as well in an amendment we will bring to the floor, but I cannot see any way to postpone action on an agriculture farm crisis relief amendment any longer.

We have been talking about this. Everybody is trying to figure out what are going to be the electoral connections, how is this going to fit into the elections, and so on and so forth. I will tell you, I think those of us from these States don't feel that way; we have to get something done. I do not think any proposal is credible unless you can get the price up. It all starts with getting the price up for family farmers.

There is a whole lot going on in Washington right now, I guess. None of it should make anybody here, regardless of party, all that happy or all that pleased. But I can say without any exaggeration whatsoever, believe it or not, that in Fulda, MN, or Granite Falls, MN, or Crookston, MN, or in all sorts of communities in Minnesota where a lot of wonderful people who work so hard live, for them the focus is on being able to stay on their farm.

The focus is whether or not the Senate and the House of Representatives are going to respond to their pain, whether or not we are going to provide them with some relief, whether or not we are going to do anything about this crisis. It cannot be done in Indiana or Minnesota at the State level. You cannot affect price at the State level. You could put together at the State level some different credit relief packages and all the rest, but you cannot affect the price. You have to remove the cap on the loan rate. You have to get the price up. You have to give these people a chance to get a decent price in the marketplace. You have to do that. First and foremost, you have to do that. We cannot wait any longer.

So I don't know whether my words tonight are so much sort of talking about substantively what any number of us are going to bring out as an amendment—there are a lot of my colleagues in the Midwest I know who are going to be out here with this amendment led by Senator DASCHLE—or whether what I am trying to say is, look, I don't want to have people angry at me next week or the week afterwards, but I tell you, if we don't get an opportunity to put this amendment on a piece of legislation, then I am just going to come out here and talk for hours and hours and hours. I will just start talking about families, and I will start translating this into terms. I have done it before on the floor of the Senate.

There is no issue I feel more strongly about. I don't really care how much is swirling around Washington, DC, and all the other stuff that people are going to be talking about, all of which I know has to be discussed and talked about, I guess, up to a point, although I think it ought to be proved. I think ultimately we are all going to have to make some decision about this, so we ought to wait and see what the facts are.

But I tell you, right now, for me, this is the issue. This is the issue for a lot of people all across Minnesota. And I am not just saying it to give a speech. It is just true. They do not have any future for themselves and their families unless we take some action. We are going to have to do that. I feel stymied that we cannot do it on the bankruptcy bill. It seems that there is a very logical connection to record low farm prices and bankruptcy. But if not this bill, if not tonight, if not Friday, then next week we will bring this amendment to the floor and we will have a debate and we are going to pass a farm crisis relief amendment. And then we are going to get it through the House. And the House and the Senate are going to agree, and there is going to be credible, substantive farm crisis relief legislation that will make a difference.

If we keep getting shut out and there is just no way to do it by way of bills, then I am just going to come out and filibuster.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. ABRAHAM. Mr. President, we have reached the time set aside for morning business. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ABRAHAM. Mr. President, I ask unanimous consent to be allowed to speak as in morning business for up to 20 minutes.

The PRESIDING OFFICER. The Senate is in morning business. The Senator has that right. Without objection, the Senator will be recognized to speak as in morning business for 20 minutes.

THE CHILD CUSTODY PROTECTION ACT

Mr. ABRAHAM. Mr. President, at present, it is our expectation tomorrow morning to be voting on cloture on a motion to proceed forward on S. 1645, the Child Custody Protection Act. It is my hope that tomorrow we will find 60 votes so we might proceed to debate that issue. The fact is, we have not had an opportunity here on the floor to have much debate about this motion to proceed, or about the issue itself, so I would like to take the time today to begin to acquaint our colleagues with this very vital piece of legislation.

Mr. President, the Child Custody Protection Act would protect State laws requiring parental involvement in a minor's important decision whether or not to undergo an abortion.

If the minor's home State has a parental involvement law this legislation would make it a Federal offense to transport that minor across State lines to obtain an abortion, unless the parents have been involved as that law requires, or the requirement has been waived by a court.

By protecting existing State laws this legislation would help protect parents' rights and the health and well-being of teen-age girls facing unexpected pregnancy.

I know, Mr. President, that the abortion issue has been strongly debated in this Chamber and, indeed, throughout our country. But I believe we all should be able to agree on the need for this legislation. Whatever one's position on the underlying issue of abortion, the protection of parental rights, of valid State laws, and of our daughters' health and emotional well-being demand that we prevent non-parents and non-guardians from circumventing State parental involvement laws.

The rationale behind this legislation is simple, Mr. President: States that choose to institute parental involvement requirements deserve to have those requirements respected.

Mr. President, 85 percent of Americans surveyed in a 1996 Gallup poll favored requiring minors to get parental consent for an abortion. Americans quite reasonably believe that no teen should be left to face an unexpected pregnancy alone. As the Supreme Court noted in H.L. versus Matheson, "the medical, emotional, and psychological consequences of an abortion are serious and can be lasting; this is particularly so when the patient is immature."

I believe the American people share this realization, and also realize that parents are almost always the ones most willing and able to provide their daughters with the guidance and support they need in making the life-changing decision whether or not to undergo an abortion.

Thus it is not surprising that more than 20 States have instituted parental involvement requirements.

These laws are on the books. They have been held constitutional, and they have the support of a strong majority of the American people.

Unfortunately, parental involvement laws are being circumvented and undermined by non-parents and non-guardians taking pregnant, minor teens across State lines for secret abortions.

This is a significant problem. The abortion rights Center for Reproductive Law & Policy reports that thousands of pregnant girls are taken across State lines by adults to obtain secret abortions.

Indeed, a veritable interstate abortion industry seems to have grown up.

Abortion clinics in States without parental involvement laws are advertising in States that do have these requirements. The advertisements inform anyone who cares to know that the clinics will perform abortions on minors without parental notification or consent.

Many people are attracted by these advertisements, and the results can be tragic.

During the hearing on this bill, the Judiciary Committee heard from Joyce Farley. Mrs. Farley told us how her 12-year-old daughter was given alcohol, raped, then taken across the State lines, by the rapist's mother, for a secret abortion. Understandably, Mrs. Farley was of the view that the abortion was undertaken to destroy evidence of her daughter's rape by a 17-year-old neighbor, who committed the act.

Mrs. Farley's daughter was understandably frightened and embarrassed. She did not immediately tell her mother of either her rape or her pregnancy.

Her rapist's mother took advantage of this situation. Without telling Mrs. Farley, she drove the girl from her home in Pennsylvania, which has a parental notification law, to New York, which does not. She took the girl to an abortion clinic, lied on the forms, claiming to be the girl's mother, and waited while the girl underwent an abortion. The rapist's mother then dropped Mrs. Farley's daughter off 30 miles from her home.

This poor girl was bleeding and in pain. When she got home, Mrs. Farley asked her what was wrong and eventually was told about the abortion. She then called the New York abortion clinic and was told that the pain and bleeding were normal—to be expected. She was told to increase her daughter's medication.

Luckily for her daughter, Mrs. Farley is a nurse, so she knew that this advice was dangerously wrong. As it turned out, the abortion was incomplete and this young girl, now just 13, had to undergo another procedure to complete the abortion.

Mrs. Farley was understandably very upset at what had happened to her daughter. She also was upset at what had, and what had not, been done about it.

The man who had gotten her daughter pregnant eventually pleaded guilty to statutory rape. But the rapist's mother, who claimed she was just "helping out" by taking a by-then-13-year-old rape victim across State lines for a secret abortion, may receive no punishment at all.

The Pennsylvania Supreme Court has just accepted for review her challenge of Pennsylvania's prosecution of her under State law. She charges that Pennsylvania exceeded its constitutional authority. Moreover, courts, legislators and prosecutors face great difficulty in situations like this because it is unclear which State's laws should apply.

The actions of the rapist's mother were arguably legal in New York, even though Pennsylvania has made them illegal within that State. It is this classic conflict of laws problem that the Child Custody Protection Act would address.

Mr. President, Mrs. Farley deserves better protection than she currently receives. Her daughter certainly deserves better protection, and parents and teens all across America deserve better protection against this kind of interference in the most important and most private decisions people can make.

Any parent with minor daughters—and I have two of my own—should be concerned about what happened to Mrs. Farley, and especially what happened to her daughter.

State parental notification and consent laws exist to protect girls from predators. They also exist to protect families.

Today, any child is at significantly increased risk of drug abuse, crime, poverty and even suicide. That is why it is crucial that we help States that want to protect the rights of American parents to be involved in important decisions affecting their children. Only by being a part of their lives can parents provide their children with the guidance they need and maintain the mutual trust necessary to teach them how to lead good, productive lives.

Parents also are almost always the people best able to support their daughters in facing an unexpected pregnancy. Bruce Lucero, a physician who has performed over 45,000 abortions and who also supports this legislation, explains the situation this way:

> Parents are usually the ones who can best help their teen-ager consider her options. And whatever the girls' decision, parents can

provide the necessary emotional support and financial assistance.

What is more, Lucero argues, a girl who avoids telling her parents about her pregnancy too often will wait too long, then have to:

Turn to her parents to help to pay for a . . . riskier second-trimester abortion. Also, patients who receive abortions at out-of-state clinics frequently do not return for follow-up care, which can lead to dangerous complications. And a teen-ager who has an abortion across state lines without her parents' knowledge is even more unlikely to tell them that she is having complications.

This is why we must help States that want to protect families from the consequences of secret abortions. Children must receive parental consent for even minor surgical procedures. Indeed, Mr. President, many schools now require parental permission before they will dispense aspirin to a child.

The profound, lasting physical and psychological effects of abortion demand that we protect States that guarantee parental involvement in the abortion decision, and that means seeing to it that outside parties cannot circumvent State parental notification and consent laws with impunity.

Our families deserve this protection, our State laws deserve this protection, and most especially our daughters deserve the protection provided by the Child Custody Protection Act.

I would like at this point to simply outline the provisions of the bill.

To begin with, the legislation adopts each relevant State's definition of a minor. It would deem transportation of a minor across State lines in order for that minor to obtain an abortion, in abridgement of parental rights under a State's parental involvement law, to be a misdemeanor Federal offense.

The legislation defines this abridgement of parental rights as the performance of an abortion on the minor without the parental involvement that would have been required if that minor had stayed in State.

The Federal offense applies only to the non-parental, non-guardian adult who so transported the minor. The minor who obtained the abortion and her parents are specifically exempted from civil and criminal liabilities.

Further, in this legislation "parent or legal guardian" includes an individual standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides. In this way the bill addresses the situation of children living in the care of their relatives and other unique situations.

The legislation also includes as an affirmative defense to the misdemeanor prosecution or civil action, that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that the minor had obtained appropriate consent or notification.

Anyone convicted under this legislation would be subject to a fine or imprisonment not to exceed one year, or both.

As I have said, Mr. President, this is a narrowly crafted law, intended specifically to aid in the enforcement of already existing, constitutionally valid State laws requiring parental involvement, or judicial waiver of that requirement, in any minor's decision whether or not to undergo an abortion. It is a modest law that does not seek to change States' underlying laws regarding abortion. It simply seeks to see to it that existing State parental involvement laws are protected from improper evasion and circumvention.

I am aware, however, that there are a number of arguments floating around this Chamber and elsewhere against this legislation. It is to these arguments, each and every one of which I believe is clearly inaccurate or irrelevant that I would like to turn.

First, some people have argued that this legislation is not constitutional on the grounds that it puts an improper, undue burden on the constitutional right to abortion.

This is simply not true. The Supreme Court has long upheld most State laws requiring parental involvement in minors' abortions against challenges of this type. The Child Custody Protection Act would only apply where the State has in place such a constitutional State law. A Federal law that simply helps enforce State laws that themselves do not violate the right to an abortion cannot itself violate that right.

Continuing on the issue of constitutionality, it has been argued that the Child Custody Protection Act violates the constitutional right to travel.

But this argument misconstrues this legislation, the Constitution, and the constitutional right to travel. The courts have never held that the right to travel limits Congress's power to regulate interstate commerce.

The right to travel limits States' powers to discriminate against newcomers and out-of-State residents.

It does not limit Congress' power to protect State laws by prohibiting people who would circumvent them from using the channels of interstate commerce or travel.

Presumably that is why nobody has doubted the constitutionality of the recently enacted Deadbeat Parents Punishment Act, which makes it a felony for anyone to travel in interstate or foreign commerce with intent to evade a support obligation to a child or spouse. Like the Child Custody Protection Act, it is constitutional because Congress is free to withdraw the channels of interstate travel from those seeking to evade valid State laws.

Next, at a level only one step removed from constitutional issues, some have put forward the argument that this legislation would undermine the ability of States to serve as "laboratories of democracy" in our Federal system.

What this argument overlooks is that in a Federal system there will always be conflicts between the laws of different States.

And Congress has a responsibility to help resolve these conflicts in the interests of interstate commerce, and in the interest of maintaining fair and full application of the laws.

What is more, it makes sense to handle the problem in this way because these conflicts are frequently resolved in favor of application of the law of the State of residence over the law of the State where some part of the conduct at issue has occurred.

In particular, it has long been an accepted tenet of our Federal system that the State with primary policy making authority with respect to parent-child relations is the State where the parent and child reside. The Child Custody Protection Act essentially simply reinforces this well-established rule.

Finally, I have heard from a number of sources the complaint that this legislation is unfair because it would not allow grandparents or other close relatives to stand-in for absent or abusive parents.

Frankly, I find this complaint somewhat puzzling because there is nothing in the Child Custody Protection Act that in any way interferes with the proper role of grandparents and other close relatives in any child's upbringing.

Parents, close relatives and, I might add, close friends, can and should play a role in helping minor girls face an event as important as an unexpected pregnancy.

If the pregnant girl for some reason, including abuse, cannot talk to her parents on her own, her other relative or friend should help her go through her State's procedure for bypassing parental notification, or, if it is possible, intervene on her behalf with the parents.

In this way, caring relatives can make a positive difference in a girl's life.

Like most Americans, I firmly believe that most children would be lucky to have grandparents and other close relatives involved in their lives. But I do not believe that most parents would want other relatives to unilaterally take over their primary role in raising their children.

In my view, States with parental involvement laws were wise to have enacted them, for the sake of parental rights, and especially for the sake of our daughters' health. The legislation before us fulfills the Federal Government's duty to protect these State laws from widespread circumvention through interstate travel. Far from undermining our Federal system, it upholds it in a manner fully consistent

with the constitutional rights of everyone involved.

A number of politicians, including President Clinton, have promised the American people that they would work to make abortions "safe, legal and rare."

The Child Custody Protection Act addresses an important question of legality. It will protect State laws from those who would break them. It would uphold the rule of law and the important role States and State laws play in our Federal system.

But an abortion conducted in violation of parental notification laws is not legal, even if performed in another State.

Earlier I quoted Bruce Lucero, a doctor who once owned an abortion clinic, in which he performed some 45,000 abortions over the course of 15 years.

Dr. Lucero remains, in his words "staunchly pro-choice." Dr. Lucero also supports this legislation.

I hope my colleagues on the other side of the abortion issue will heed the warning he gave recently when he said:

> Too often, pro-choice advocates oppose laws that make common sense simply because the opposition supports or promotes them. The only way we can and should keep abortions legal is to keep them safe. To fight laws that would achieve this end does no one any good—not the pregnant teen-agers, the parents or the pro-choice movement.

Mr. President, this laws does make common sense. It will protect the health of pregnant teen-agers, and it should have the full support of the Members of this body, whatever their views on the underlying issue of abortion. It was passed in the other Chamber by an overwhelming margin. It passed the Senate Judiciary Committee and, in my view, it deserves to pass by a similar margin in the full Senate.

I urge my colleagues to vote tomorrow in support of cloture on the motion to proceed to debate this issue.

In closing, let me just say this, Mr. President. As I looked through the CONGRESSIONAL RECORD at the summation and discussion between the majority leader and Democratic leader yesterday, I was a little bit confused. I at least read the Democratic leader's statement to suggest he is of the opinion that the vote tomorrow might in some way shut off consideration of amendments and debate on this issue, but that is not the case, and I want to make sure our colleagues are aware that tomorrow's vote is simply on the motion to proceed, to permit us to begin discussing this legislation.

It is not a motion for cloture on the substantive underlying bill and, indeed, virtually all of the amendments to this legislation that were brought in committee will still survive a motion for cloture on the underlying bill because they were germane amendments at that time and would, according to the Parliamentarian, remain germane, even if we were to have cloture invoked on the substantive legislation.

For that reason, I hope our colleagues will think this issue—the question of whether or not we will allow strangers to circumvent State parental notification and consent laws and take children across State lines for the purpose of secretive abortions—that we should at least allow this issue to be debated here in the Senate.

For that reason, I hope we will be able to invoke cloture on the legislation. And once we do that, we can have a good and thorough debate and discussion, and then pass this legislation so that families like the Farley family can be protected in the future and so that the children of America can be protected in the future and so that the families who live in States that have taken the action of passing parental involvement laws can be confident that those laws do mean something and that we in Washington are willing to support those laws and make sure that those laws are in fact enforceable.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

STATUS OF OPERATIONAL READINESS OF U.S. MILITARY FORCES

Mr. McCAIN. Mr. President, only 8 years ago we went to war in the Persian Gulf as the most combat-ready force in the world. The value of that preparedness was clear. We won a massive victory in a few weeks over one of the largest armies in the world and we did so with remarkably few American and allied casualties. We were able to end aggression with minimum losses of civilian life and were even able to greatly reduce the casualties of our enemy. Today, our enormous preparedness, impressive military force, is beginning to evaporate.

In spite of the efforts of our services, armed services, we are having significant problems again that remind me of the very difficult period during the 1970s when the Chief of Staff of the U.S. Army came before the Congress and said we had a "hollow army." We are losing the combat readiness and edge that is an essential aspect of deterrence, defense, and the ability to repel aggression.

It is true that we have heard many reassuring words to the contrary from the administration. The fact is, however, that we are "going hollow." We are losing our ability to get there "fastest with the mostest," and the indicators are all too clear the moment we look beyond superficial indicators and the normal rhetoric of budget testimony.

Mr. President, I have heard firsthand accounts from commanders in the field and in the fleet on the deteriorating status of the operational readiness of the U.S. military forces, including the availability of resources and training opportunities necessary to meet our national security requirements. Although the upcoming year's budget makes some strides to reverse 5 straight years of underfunding for both short-term and long-term modernization, I have serious concerns about the future state of preparedness of our units and our men and women in the military.

The tangible evidence of this trend is contained in the words of nearly all the military witnesses who have testified this past year before the Senate Committee on Armed Services as well as before our House counterparts. Their statements do not reveal a single reason why we are going hollow or a single set of answers as to how these problems can be solved.

Each service has a unique mix of readiness problems and has made different tradeoffs. At its core, however, is an alarming lack of concern on the part of the administration that repeatedly acts without regard for the most basic requirements for maintaining Armed Forces essential for our national security and promoting our national interests. The repeated and deliberate failure to match requirements, as set forth by the National Command Authority, with resources adequate to the task, compounded by the White House's unwillingness to budget for ongoing contingency peacekeeping and humanitarian operations, has over time clearly degraded military preparedness.

Not to be ignored is the role of Congress in exacerbating this situation through its exceedingly damaging practice of wasting scarce financial resources on programs for strictly parochial reasons. That practice was harmful when we were adding to the administration's budget request in the context of the 1997 balanced budget agreement. And that harm is magnified manyfold.

Mr. President, I have spoken many times of the wasteful spending practices embodied in the defense appropriations bill, and I will not go through the details again now. But the fact is that a lack of a Base Closing Commission commitment, the lack of a commitment to a balanced force, the continued unnecessary and unneeded funding for especially our Guard resources, and our inability to somehow make the transition to the post-cold-war requirements of a military that is ready to move anyplace in the world on short notice, is absolutely deplorable. And as I indict the administration, Mr. President, the Congress also bears enormous responsibility for our failure as well.

In spite of the highest readiness funding in our history, we are having preparedness and readiness difficulties. Some recent examples noted by experts are—and I quote a memorandum dated

August 20, 1998, from General Bramlett, Commander-in-Chief of Forces Command, to Army Chief of Staff General Reimer. General Bramlett wrote:

. . . we can no longer train and sustain the force, stop infrastructure degradation, and provide our soldiers the quality of life programs critical to long term readiness of the force . . . we cannot operate within current funding levels and have the viable fighting force we want to project into the next century. Operation and maintenance funding levels are no longer sufficient to "make it happen" and avoid serious long-term negative impacts to the force. Commanders of Fort Lewis, Stewart, and Bragg [all installations home to major contingency "first-to-deploy" units] report units will drop below authorized training levels in the fourth quarter of fiscal year 1999. This threatens our ability to mobilize, deploy, fight, and win. Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk.

Mr. President, let me repeat: "Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk." Mr. President, I want to remind you, these are not my words but the words of General Bramlett who is the Commander-in-Chief of Forces Command and contained in a memorandum to the Chief of Staff of the Army.

Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk.

We must have additional funding for FY 99 and beyond.

Mr. President, I ask unanimous consent that the entire memorandum from General Bramlett to General Reimer be printed in the RECORD.

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

DEPARTMENT OF THE ARMY, HEADQUARTERS UNITED STATES ARMY FORCES COMMAND,

Fort McPherson, GA, August 20, 1998.

MEMORANDUM FOR CHIEF OF STAFF, UNITED STATES ARMY, 200 ARMY PENTAGON, WASHINGTON, DC

SUBJECT: FY 99 FUNDING ASSESSMENT

1. The FORSCOM commanders have recently completed their review of resource requirements against their FY 99 funding distribution. My guidance was to maintain training (go-to-war) readiness at the expense of infrastructure and Quality of Life (QOL) if they could not balance the requirements of all three. They have done their best to implement this guidance, but we can no longer train and sustain the force, stop infrastructure degradation, and provide our soldiers the QOL programs critical to long term readiness of the force. Commanders remain fully committed to supporting force readiness, but we cannot operate within current funding levels and have the viable fighting force we want to project into the next century.

2. We can provide trained and ready units in FY 99, but we anticipate some drop in reported readiness levels as the year progresses. Our BASOPS accounts have only marginal funding levels, and Real Property Maintenance (RPM) accounts are nearly depleted at many of our installations. The OMA funding levels are no longer sufficient to "make it happen" and avoid serious long-term negative impacts to the force. These insufficient funding levels are further degraded by refined TRM cost factors, by the inability to achieve the programmed efficiencies, and by the increased funding for contracting support. Our flexibility is further hampered by stovepipe funding for specific programs that have become a larger percentage or our total budget.

3. Despite considerable efforts to conserve scarce training resources at the expense of QOL and infrastructure, unit readiness will be degraded. Commanders at Forts Lewis, Stewart, and Bragg report units will drop below ALO in the fourth quarter of FY 99. This threatens our ability to mobilize, deploy, fight, and win.

4. In FY 98, we mortgaged infrastructure and QOL to maintain training readiness. BASOPS and RPM were underfunded again, but with little migration ($18M) as we needed every dollar for training. Infrastructure maintenance and repair are now funded below survival levels. FY 99 marks the second consecutive year in which FORSCOM could not fund installation infrastructure repair beyond "break and fix." The most critical unfunded repairs totaling $215M are: sewer and utility systems—$49M; barracks roofing/heading/and air conditioning repair—$59M; roofs on maintenance and ammo facilities—$10M; bridges and roads—$29M; training and operations facilities repairs—$7M; and other general facility repair projects—$60M. Of immediate concern is our inability to resource food service contracts which drives us to the associated alternative of possibly returning our soldiers to perform kitchen and dining facility attendant duties. Base Information management operations, the DOIMs, were hit especially hard. This account is down more than 30 percent from FY 98, severely affecting base automation, printing, and automation equipment accounts. Commanders state that shortfalls will "render infrastructure, QOL, and BASOPS(−) nonmission capable."

5. We fully understand that many of our unfunded requirements can only be realized with an increase in the overall funding level for the Department, and we continue to advocate that goal. As part of our assessment, we have identified those UFRs requiring funding by way of Funding Letter inserts as well as other critical UFRs to be worked through the year of execution. Those items requiring additional funds within our funding letter include: Food Services and Dining Facility Operations—$10.1M; AC/RC Support—$15.6M; AC/ARNG Integrated Divisions—$4.1M; Digital Training—$18.5M; Force Modernization—$18.6M; and Commercial Activities Studies—$3.2M.

6. Our Executive Agent role in the DCSC4 areas demands intense management as we act on the Army's behalf. To resource the requirements of these missions in FY 99 will require: an additional $26.3M in funding letter inserts for Long Haul Commo; $14.1M for sustainment of the new Command and Control Protect mission; and $1.7M for support of the Defense Red Switch Network. In addition, we request that Europe's portion be provided to them as was done in the POM.

7. AC/RC Support (Training Support XXI) continues to be significantly underfunded as we transition into the new Support to Operational Training Functional Area Assessment (SOT-AA) Integrated alternative structure. This structure will be fully staffed in FY 99 after a ramp-up year in FY 98. The funding requirement is inherently heavy in TDY, as observer/controllers/evaluators and other training assistance personnel must travel to the associated RC units and training sites. We are concerned about our ability to fully perform this growing mission. In addition, the new AC/ARNG Integrated Divisions that will begin to stand up provisionally on 1 October 1998 are unfunded in FY99. These shortages are particularly acute in the context of our stated commitment to the Total Army.

8. As we move toward fielding a digitized force, we need resources for robust digital training events and associated training infrastructure upgrades. Funding tails become major cost drivers as the Army moves from Advanced Warfighting Experiments (AWE) and applique to equipping and training the digitized force. Insufficient funding continues to delay modernization of many training support facilities. The TRM process needs to better resource training support infrastructure such as ranges, simulation facilities, transportation networks to/from/in and around ranges, targetry, and maneuver boxes.

9. My assessment is not good news. Funding has fallen below the survival level in FY 99. The commanders are concerned that they can not meet the daily challenges of the three imperatives of readiness: training, QOL, and infrastructure. Our commitment to doing our part in reengineering, creative training strategies, and best business practices has never been stronger. Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk. We must have additional funding for FY 99 and beyond.

DAVID A. BRAMLETT,
General, USA,
Commanding.

Mr. McCAIN. He ends up by saying:

My assessment is not good news. Funding has fallen below the survival level in FY 99. The commanders are concerned that they cannot meet the daily challenges of the three imperatives of readiness: Training, QOL [meaning quality of life], and infrastructure. Our commitment to doing our part in reengineering, creative training strategies, and best business practices has never been stronger. Current funding levels place FORSCOM's ability to accomplish its mission at an unacceptable risk.

It is a very, very strong statement, Mr. President. I have been associated with the military all my life, and I have not seen quite that strong a statement or a stronger statement than that from one of our commanders in the field.

The Air Force's 1st Fighter Wing, with primary responsibility for the Middle East, has experienced a prolonged period of declining preparedness, as squadrons are forced to deploy at physically and mentally exhausting rates while spare parts shortages result in the cannibalization of fighters from one squadron to ensure another can deploy on schedule.

Naval aviators have stated to Armed Services Committee members and staff that the frequency of deployments has placed excessive stress on their personal lives, with the result that many are leaving the service for higher paying, less stressful jobs with the commercial airlines. That operational tempo is a direct result of the convergence of shrinking force structure and

increased deployments to overseas contingencies.

The commander of the 3rd Fleet, Vice Adm. Herbert Browne, testified before the Readiness Subcommittee that the shortage of skilled personnel has resulted in crossdecking, which places enormous additional stress on those personnel remaining in the service. "Crossdecking," Mr. President, means when a ship comes back from a deployment, the personnel of that ship, rather than being allowed to come home, then move to another ship that is headed out on another deployment—an absolutely unacceptable practice.

During the same hearing, the commander of an Air Force fighter wing operations group testified that his unit's full mission capable rates have consistently dropped from 90 percent in 1993, to 80 percent in the 1995 time frame, down to 70 percent for the present.

Radar and jet engine mechanics told ABC News reporters of their growing frustration with shortages of spare parts to repair aircraft and of the exodus from the service of skilled mid-level maintenance people, with the result that aircraft sit idle and less skilled personnel are assigned vital maintenance and repair work. On the same broadcast, the commander of Air Combat Command stated that his command has "suffered about a 10 percent to 12 percent decline in the average readiness of our fleet from day-to-day."

In a June 1998 letter from Admiral M.G. Mullen, Director of Surface Warfare Division on the Chief of Naval Operations staff wrote to every surface warfare commanding officer soliciting ideas to turn around retention amongst surface warfare junior officers. In his letter he wrote, "I can also tell you we are only retaining about 1 in 4 and we must keep 1 in 3 to develop the leaders our Navy needs."

In a San Diego Union-Tribune article on September 2, 1998 during an interview with Admiral Clemins, Commander-in-Chief of the Pacific Fleet, it was reported that the Navy is short 18,000 sailors, forcing the Navy to send many warships including carriers to the Persian Gulf at a reduced level of readiness, specifically a C–2 rating, only the second highest level of readiness.

According to a 1998 article in the Army Times, the mission of the Army has increased by 300 percent since 1989, yet its active duty force has declined by 36 percent and its budget by 40 percent. These facts have resulted in a severe decrease in the level of operational readiness for the service and led former Assistant Vice-Army Chief of Staff of the Army Lieutenant General Jay Garner to describe divisions as "hollow."

Colonel Stephen E. Bozarth, Commander of the 388th Operations Group, testified before the Readiness Subcommittee that although the current experience level of the pilots of the Wing is 77 percent, it is expected to degrade over the next 18 months to approximately 50 percent. Such a loss in experience results in not only untrained personnel fulfilling necessary pilot positions but also an inadequate number of people to train these individuals. Moreover these losses necessitate that pilots who choose to remain in the service work longer and harder hours, thus creating a serious strain on morale.

Vice Admiral Browne also testified this year that inadequate fuel supplies are depriving pilots of strike fighter jets the flight hour training necessary for familiarization of the aircraft. Lack of such training will result in the substandard performance of these men and women in the multi-threat environment in which they currently operate.

The commander of the Air Warfare Center (AWFC), Major General Marvin Esmond, testified before the Readiness Subcommittee that those under his command have experienced a six month slip in skill improvement due to delays in specialized training. Such delays are a direct consequence of a lack of manpower. This loss in personnel has also required that the servicemen and women work 60–65 hours per week as well as 12 hour duty shifts.

Major General Ronald Richard, Commanding General of the Marine Corps Air Ground Combat Center, voiced concerns over equipment readiness to the Readiness Subcommittee. According to the general, a majority of his equipment is "getting exceedingly old," a fact which has led to increased maintenance as well as excessive expenditure.

In order to understand the issues involved, it is necessary to understand just how difficult it is to achieve the level of military preparedness we enjoyed during Desert Storm. Military preparedness is the product of readiness and sustainability, the former referring to the ability of forces to go to war on short notice, the latter the ability to support them in the field. Preparedness is not just a matter of funding operations and maintenance at the proper level. It is not only a matter of funding adequate numbers of high quality personnel. It is not simply a matter of funding superior weapons and munitions, strategic mobility and prepositioning, high operating tempos, realistic levels of training at every level of combat, or logistics and support capabilities.

Military preparedness is all these things and more. A force begins to go hollow the moment it loses its overall mix of combat capabilities in any one critical area. Our technological edge in Desert Storm would have been meaningless if we did not have properly trained men and women. Having the best weapons system platforms in the world would not have given us our victory if we had not had the right command and control facilities, maintenance capabilities, and munitions.

The preparedness problem within the military is compounded by both the "can do" attitude of the military and the history of military readiness reporting. On the one hand, our men and women in uniform have a history of making do, of adjusting to civilian decisions, and working out potential solutions even at the cost of assuming higher risks. An example of this is the continued practice of the Marine Corps to retread the tires of the humvees (HMMVV's) and five-ton trucks of the First and Second Marine Expeditionary Forces.

On the other, we have been very slow to modernize and integrate our various measures of effectiveness, to independently audit command reporting, and to adopt modern management information systems. Time and again, we have learned that our readiness measures are unrealistic or fail to anticipate real-world demands on readiness funds and budget cuts. Time and again, we have seen peacetime claims of "can do" turn into wartime realities of "can't fight."

Mr. President, in mid-July I sent letters to each of the Service Chiefs expressing my concern about the military's overall state of readiness. In order that I might gain a better understanding of current readiness and readiness trends in the military, I asked each Service Chief to provide detailed answers to questions by September 30, 1998, from all levels within the military and not just the typical Pentagon talk that we have become used to during the multitude of hearings that surround the defense budget cycle. In addition, I requested that the responses to the questions also include an assessment of National Guard and Reserve readiness. Mr. President, I intend to share these answers with my colleagues and make them widely available to the public. It is critical that not only Members of Congress, but all Americans should be fully informed on the state of our military so that they can participate in any discussions in the near future to add money to the defense budget and reprioritize critical resources within the military.

Very often, those who question the Administration's commitment to maintaining proper levels of military preparedness are accused of exaggerating the scale of the problem through the random marshaling of anecdotal information. These criticms, to say the least, are without merit. If a pattern of evidence cannot be seen as leading to a logical conclusion, then the basis for rational, objective intellectual discourse is thoroughly discredited. This "anecdotal evidence" increases every year, is discovered through visits to the field to meet with

military personnel of all ranks, through congressional hearings, media reports and scholarly studies, and is beyond dispute.

My President, this will be as true in the future as it was during Desert Storm, and it has been true throughout the history of warfare. As Sun Tzu pointed out over 2,000 years ago, "It is a doctrine of war not to assume the enemy will not come, but rather to rely on one's readiness to meet him. It is a doctrine of war not to presume that he will not attack, but rather to make one's self invincible."

I make those statements concerning military readiness in the context of what is happening in the world today. When you glance around the globe you find that there is a potential trouble spot in literally every continent of the world with the exception of the two poles and perhaps Australia. We find this situation in Kosovo with ethnic cleansing where our Secretary of State, several months ago said, and I believe the quote is accurate, "We will not allow the Serbs to do in Kosovo what we prevented them from doing in Bosnia." The last time I checked, Mr. President, they were doing quite a bit of ethnic cleansing in Kosovo, and the situation continues to worsen.

In Iraq, we have gone from a position where our Secretary of State said we would respond with military force if Saddam Hussein refused to allow our U.N. inspectors access to any installation that they desired—would be met with military force. Now, according to Scott Ritter and other reports, the administration has been encouraging UNSCOM not to inspect.

The situation in Asia is serious. Riots are taking place in Indonesia as we speak. The nation that the World Bank a year and a half ago did a study on as a model nation for economic development, now had the privilege of seeing its President go on nationwide television in Indonesia and recommended that the Indonesian people not eat 2 days a week because of food shortages.

We have seen the administration surprised by the nuclear tests conducted by both India and Pakistan.

We have now apparently circumstantial evidence that technology was transferred to China, which either marginally or substantially, depending on which expert you talk to, increased the precision targeting capability of Russian ICBMs until recently, 12 of which were targeted on the United States of America—now are not—but in a matter of seconds could be retargeted.

Mr. President, I could go on. But the fact is that the world is a very tough neighborhood and requires a tough cop. The cop is now not on the beat and bad things are happening all over the world, which makes it even more likely that we may have to call upon the United States of America to again expend its blood and treasure somewhere in the world. The very least we can do is make sure that those men and women who we have to send somewhere are the best equipped and trained as we possibly can make them. What I greatly fear is that we may have to send them less than well prepared, less than ready, and less than well equipped, which then leads to the inevitable consequence of casualties that are unnecessary and tragic.

Mr. President, I intend to talk more on this issue. I think it is an important one. I also remind my colleagues that we—the traditional protectors of the military—have an obligation to address this issue as well as the administration. Mr. President, I thank the Chair for his patience and for presiding at this late hour.

I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I ask unanimous consent to proceed as in morning business for 10 minutes.

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

MILITARY READINESS

Mr. SESSIONS. Mr. President, I appreciate the remarks of Senator MCCAIN from Arizona. He is a true American patriot, an academy graduate, a former fighter pilot, a prisoner of war, a person who has been a leader in this body in matters of defense. A few days ago, a Senator from the other side, Senator LIEBERMAN, made a seminal address on the need for morality, integrity and honesty in public leadership, and by the President in particular.

Senator MCCAIN's remarks, in my opinion, are equally as important. He has said some things, as a conscience of this body, on defense matters that we ought to listen to, and I am hearing it repeatedly from people I know in the military services who are concerned about the erosion of our national defense. I join with him in those concerns. I appreciate him sharing it with us, and I hope he will continue to speak out in this body as eloquently as he does on these important issues.

CHILD CUSTODY PROTECTION ACT

Mr. SESSIONS. Mr. President, I rise today in support of the Child Custody Protection Act. Senator Spencer ABRAHAM of Michigan has previously spoken on this matter, just a few minutes ago. I have been honored to be a cosponsor of that legislation with him from the beginning and to participate in a number of different activities that he has led to try to call this legislation to the attention of the people of America, and to do what we can to see that it is brought up for a vote in this body, and to pass this legislation.

It appears to me that this legislation would be difficult for most anybody to oppose. The issue of abortion has divided our country for many years now. But the issue we are considering today is not whether abortion should be legal or not. The Supreme Court, in my opinion, erroneously took that issue away from the people, ripped it out as a matter for the democratic process, and decided and declared that the Constitution prohibits the limiting of abortions, except in certain circumstances.

But even the Supreme Court has made it clear that it is proper for a State to declare that an abortion should not be performed on a minor child unless the parents are consulted. Certainly, they have to be consulted about minor surgery—and they are consulted by their school principals and teachers if they are even given Tylenol. To perform an abortion without parental consent is a very dramatic interference in family and parental relationships that many States have decided to protect. Even our Supreme Court, which has ruled erroneously, in my opinion, in a number of different ways on this issue, has approved that.

We have now discovered that there is a problem. We have discovered that people are taking children across State lines, from one State where parents have to be notified—third parties are intervening in the family relationship and are taking children across to another State that doesn't have that law, for the purpose of having an abortion performed on them.

In my view, the right of parents to be involved in these major decisions affecting their minor children is a fundamental thing and ought not to be lightly transgressed. State parental consent and notification statutes are an important protection for fundamental parental rights. Let me say that the issue before us today is not whether States should have such laws—some do, some don't—the issue before us today is whether we will allow these important and clearly constitutional State laws to be circumvented.

The purpose of this bill is simply to preclude some third party from trampling on the rights of parents by advising a minor child to have an abortion, and then assisting them by taking them across a State line to a State where they can have one.

This legislation before us today would forbid a third party from transporting a minor child across the State line for the purpose of an abortion, without the parent's knowledge or consent, in order to evade compliance with the law of the State where the parent and child reside. This is hardly a radical or extreme proposal, and the bill is necessary. It is constitutional and it is carefully and narrowly drawn.

Senator ABRAHAM has done a superb job in drafting this legislation. He has listened to those who have expressed

concerns about it, and he has constantly revised and improved it. It is an exceptionally fine piece of legislation, in my opinion.

Mr. President, let me say that I believe this bill is necessary. In the Judiciary Committee hearing we had, we heard horrible stories. One involved Joyce Farley's 13-year-old daughter and one involved Eileen Roberts' 14-year-old daughter. In both cases, these young girls were secretly transported across the State line by adults seeking to hide the fact of the pregnancy from the children's parents. In both of these cases, these young girls were taken from a State that had a parental consent statute to one that did not. In both of these cases, the young girls suffered serious complications from these legal, but botched, abortions.

Parenthetically, Mr. President, let me state that recently in the New York Times there was an op-ed piece by a former abortion doctor who, according to the first paragraph in the article, had performed 45,000 abortions. He said that, for a number of reasons, parents ought to be involved in these decisions, and that parental notification laws are correct, and that the pro-abortion forces undermine their own efforts and their credibility when they oppose them. He pointed out that children should be consulting with their families for these kinds of situations.

And from a medical point of view, he pointed out that when a child is transported a long distance to a medical center to have an abortion, perhaps she has not had good adult advice as to whether or not that is a good doctor or clinic. When she goes there, she is then returned at a long distance to the home of her parents. Many times, he noted, there are complications. Parents need to be aware and to be watching the child to help her if complications occur. And he said return visits to the abortion clinic for checkups are little done when a child has a long distance to go back to the clinic. So for health and medical reasons, he believes that children ought to consult with and have the approval of their parents before they obtain abortions. Of course the laws of each of those States—and the Supreme Court rulings—require that there be an option for a child who is pregnant to go to court and get an order for an abortion without notifying a parent. So there is an option, required by the Supreme Court decisions.

Mrs. Farley testified that her daughter was taken out of state for an abortion by one Rosa Marie Hartford. Ms. Hartford was actually the mother of the 18-year-old young man whose statutory rape of the then-12-year-old girl is what caused the pregnancy. In other words, the woman was trying to cover up the criminal activity of her son. The son later pled guilty to statutory rape.

The attorney general for the Commonwealth of Pennsylvania testified concerning his efforts to prosecute Mrs. Hartford under state law for interfering with the custody of a minor. Those efforts may or may not ultimately prove successful. Attorney General Fischer testified concerning the difficulties of pursuing such a case under state law, and strongly recommended passage of this bill.

This issue does not involve a few isolated cases. An attorney for the Center for Reproductive Law and Policy, has acknowledged this. Attorney Kathryn Kolbert stated, and I quote: "There are thousands of minors who cross state liens for an abortion every year and who need assistance from adults to do that." We have seen several examples of abortion clinics which openly place advertisements in the yellow pages in nearby states that have parental consent statutes. These advertisements proudly proclaim: "No parental consent."

Thus, these clinics are openly encouraging the evasion of state laws, and something needs to be done about it. Because of the interstate nature of this problem, a Federal solution is required.

This bill is constitutional. As I have stated earlier, the Supreme Court has upheld the types of state parental notification and consent laws that this bill would help to bolster. It is specious to suggest that this bill would unduly burden the right to an abortion. The bill does nothing more than prohibit the evasion of constitutional state statutes.

This bill is a valid and appropriate exercise of Congress's authority under the Commerce Clause.

I was a Federal prosecutor, Mr. President, for nearly 15 years. A long-term Federal statute is the Mann Act. It has for many years—many years back, I think, since 1913—prohibited the interstate transportation of women or girls across State lines for prostitution or other immoral purposes. That is a Federal law. The constitutionality of the Mann Act has been upheld by the Supreme Court since the early 1900s. It is a very close analogy to the Child Custody Protection Act, which would preclude the transporting of minor girls across State lines to evade State parental involvement laws. Any constitutional objections to this bill, in my opinion, would be without merit and would certainly fail.

Also, this bill is very narrow in its scope. It does not prohibit interstate abortions. It does not invalidate any state laws. It does not establish a right to parental consent for residents of any state that does not already have a parental consent law. It doesn't even attempt to regulate the activities of the pregnant minor herself. It only reaches the conduct of outside parties who wrongfully usurp the rights of parents that are guaranteed by state law.

Some suggest that the bill should be narrowed further, to exempt the interference with parental rights, if the adult is a relative of the child, they could interfere with the parents' rights. I would disagree with that.

This bill would not prevent the minor from seeking counsel from an aunt or grandmother or anyone else. It would prohibit aunts and grandmothers from violating the rights of the child's parents by secretly driving the youngster to another state for an abortion without telling the parents. I personally wonder whether it might be worse to have a grandmother or an aunt interjecting themselves in between the parent and the child, than to have some stranger do it. The result is the same. It is the same. It is the parent who has the responsibility, who brought the child into the world, and who has raised the child. The destructive impact on the family could be greater in that case.

In any event, the grandmother isn't the parent, and the aunt isn't the parent; and neither relative nor stranger should have the right to circumvent parental involvement statutes.

If a well-meaning grandmother wants to be helpful, in most situations she should encourage the child to confide in her parents. In the rare circumstances where that would not be appropriate, and the child is intent on obtaining an abortion, the judicial bypass procedure could be used.

That is, a child could go to a court, and the abortion could be authorized by the judge. The child could go to court in those circumstances.

In summary, this bill is narrowly crated, it is well written, it is necessary, and it is constitutional. The House of Representatives passed this bill with a strong bipartisan majority of 276 to 150. I urge my colleagues to do likewise.

We need to ensure this bill receives a vote on the merits. We are apparently going to have to invoke cloture to even get it up for a vote. There is a strong determination—I consider it an extreme commitment—to support anything that favors abortion by too many Members of this body.

This is a reasonable bill. This is a fair bill. It is an appropriate action by the Congress of the United States involving interstate commerce. As a Federal prosecutor, I prosecuted those who transported stolen motor vehicles—ITSMV, Interstate Transportation of Stolen Motor Vehicles, stolen property, lots of those kinds of cases. This is one type of case that is quite appropriate for us to legislate on.

I hope that every Member of this body will vote for it. It ought to pass overwhelmingly. It is good public policy.

I, again, congratulate Senator Abraham for his determined and skilled legislative leadership in crafting and presenting this outstanding piece of legislation.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SESSIONS. 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 VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, September 9, 1998, the federal debt stood at $5,548,476,705,773.12 (Five trillion, five hundred forty-eight billion, four hundred seventy-six million, seven hundred five thousand, seven hundred seventy-three dollars and twelve cents).

One year ago, September 9, 1997, the federal debt stood at $5,408,443,000,000 (Five trillion, four hundred eight billion, four hundred forty-three million).

Five years ago, September 9, 1993, the federal debt stood at $4,389,196,000,000 (Four trillion, three hundred eighty-nine billion, one hundred ninety-six million).

Ten years ago, September 9, 1988, the federal debt stood at $2,600,050,000,000 (Two trillion, six hundred billion, fifty million).

Fifteen years ago, September 9, 1983, the federal debt stood at $1,354,932,000,000 (One trillion, three hundred fifty-four billion, nine hundred thirty-two million) which reflects a debt increase of more than $4 trillion—$4,193,544,705,773.12 (Four trillion, one hundred ninety-three billion, five hundred forty-four million, seven hundred five thousand, seven hundred seventy-three dollars and twelve cents) during the past 15 years.

DOING THE SENATE'S BUSINESS—THE NEED FOR A TWO-TRACK SYSTEM

Mr. KENNEDY. Mr. President, the Majority Leader has told us that there is no time left in this session to work on legislation which can improve the quality of life for most Americans. But there is time. As the Minority Leader has noted several times, there is time every evening after the day's work is completed when we can work a second shift.

The so-called "two-track" system has not been an uncommon practice in the Senate. More than a dozen times in the last 13 years, this body has worked well into the evening on legislation separate from that which it worked on during the day in an effort to get the job done. I ask unanimous consent that the 14 excerpts from floor speeches which refer to this practice be printed in the RECORD. These are examples initiated by Republicans and Democrats, majority and minority.

We have the opportunity to pass legislation which will make a positive impact on the lives of millions of Americans. We should not let this chance pass us by.

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

[144 Cong Rec S 5400, *S5400; May 22, 1998]

Mr. LOTT. I do want to emphasize, the nuclear waste issue we intend to double track. That is one where we can take an action and then come off of that and go, then, to other legislation, the tobacco legislation. And it will take a period of days to get through the process we have to go on, on nuclear waste. But that is not intended to take the place of either the tobacco bill or the Department of Defense authorization bill. It will be double tracking as we go forward.

[141 Cong Rec S 12676, *S12677; Sept. 6, 1995 (Legislative day of Sept. 5, 1995)]

Mr. DOLE. I think we have now completed action on seven appropriations bills. There are no other appropriations bills now ready for consideration. We may try a two-track system—I will discuss that with the Democratic leader—so we can keep abreast of the House on appropriations bills and have all appropriations bills in the President's hands by October 1.

So it may mean some late, late, late evenings. But we will try to accommodate major concerns that many Senators have from time to time.

[141 Cong Rec S 5303, *S5303; April 6, 1995 (Legislative day of April 5)]

Mr. DASCHLE. What I hope we might be able to do, perhaps, is to maybe run two tracks, get some debate and offer some of these amendments. We could maybe work out some short time agreements and have a good debate, rather than just putting the Senate in a quorum call, and then work simultaneously to see if [*S5304] we might not be able to address some of these concerns.

[135 Cong Rec S 13040, *S13040; October 12, 1989 (Legislative day of Sept. 18)]

Mr. MITCHELL. That is precisely my intention; that if we reach 2 p.m. Wednesday without having completed action on the flag amendment, we will return to that following the presentation of arguments by the impeachment managers and Judge Hastings and his counsel on Wednesday, back to it on Thursday and continue on a double track, so to speak, until such time as we do complete action on that.

[134 Cong Rec S 5258, *S5258; April 29, 1988 (Legislative day of April 28)]

Mr. BYRD. So, at least until next Wednesday, I will say that the Senate will be on other very important business, the DOD authorization bill. If that bill is not finished by the conclusion of business on Tuesday, and by that time it appears that the Senate is ready to go forward on the treaty, then Senator NUNN has indicated a willingness to either set the DOD authorization bill aside and take it up following the action on the treaty or, as I suggested to Senator DOLE, Senator NUNN, Senator BOREN, and Senator PELL, perhaps for a day or two we could proceed on a two-track basis, get work started on the treaty, and finish the work on the DOD authorization bill. We can make that decision as of next Wednesday.

[134 Cong Rec S 2818, *S2833; March 23, 1988 (Legislative day of March 21)]

Mr. SIMPSON. Mr. President, there has been discussion in the past, and it was certainly the majority leader's duty to move legislation, when it was felt several times that there would be a filibuster unless the majority leader felt it necessary to file a motion for cloture on the first day that the bill came up. This is not a criticism. That happened several times. We did our business. When that came up, we had a double track. We handled the immigration bill and we handled the oversight legislation on intelligence. We did our business. There was nothing inappropriate about that. But finally there were those who said we are unable to put in nongermane amendments.

[134 Cong Rec S 1678, *S1679; March 2, 1988]

Mr. SIMPSON. Mr. President, I would inform the majority leader that I think the aspect of the cloture vote does impel us to do our work, and we are going to do that. I think it would be good if the majority leader and I visited about what we visited about last night. I think perhaps we might be in a position to utilize the services of the new committee, the ad hoc committee, for the referral of a sense-of-the-Senate resolution which could be discussed today, and I would like to visit with the majority leader about that. We have been asked to appoint one new member. I am ready to do that. That group would then deal with the rules issues that we discussed. Then we could go on a double track for the intelligence authorization and then get to Price-Anderson and be dealing with it and have it as the pending item of business when we return, because it is a very important piece of legislation.

[133 Cong Rec S 8426; June 23, 1987]

Mr. BYRD. Mr. President, later this afternoon I hope to offer the omnibus trade bill. I would like to get it before the Senate later today for opening statements. On tomorrow, then, following the conference report on the budget action, the Senate would return, probably, to the trade legislation. I remind all Senators that I indicated last week that we will be operating on at least a two-track system here for the next few days. The campaign finance reform bill will still be around. The trade legislation will be up. We will have to take action on the conference report on the budget.

[133 Cong Rec S 8493; June 23, 1987]

Mr. BYRD. The Senate will operate on a two-track system, under the consent order that was entered. It gives the majority leader at any time the consent to go to the trade legislation—the omnibus bill, or the bill that was reported out of the Finance Committee. I have chosen to proceed with the omnibus approach. That was the approach that was discussed for months, and committee chairmen have acted accordingly. They have been dutiful in reporting out the legislation.

So, beginning on tomorrow, there will be longer days and shorter nights, in contrast to the natural seasons of the year.

[133 Cong Rec S 8363; June 19, 1987]

Mr. BYRD. So by the middle of next week, certainly, I expect us to be on the trade legislation. We will have a two-track system. We will work on trade during the early part of the day up into the midafternoon or a little later than midafternoon. Then we will go to campaign financing reform. I would like to retain the flexibility to switch that mode, but that is my present plan, to go with trade first, then campaign financing reform. We can shift that, of course.

[131 Cong Rec S 14042; October 24, 1985 (Legislative day of October 24, 1985)]

Mr. HEFLIN. Mr. President, if the majority leader will yield, is it the majority leader's

intention to stay with the farm bill until it is disposed of or to lay it aside, double track it with other measures? I do not mean to ask for a hard and fast answer. But is it the overall intention to dispose of the farm bill on a priority basis over other pending legislation which we have half done or partially done.

Mr. DOLE. The Senator is correct. It might be, if we can reach an agreement on reconciliation, we might have to interrupt discussion of the farm bill, say, Wednesday or Thursday of next week, and it could result if we cannot get an agreement, we could have 100 and some votes under the reconciliation process, but I do believe that with that one caveat, and again there is always a possibility that the textile amendment should come off reconciliation, there might be some agreement to offer it to some other bill, but the general intention is to finish the farm bill, and I know it is very important to farmers just as it was in July when we tried to bring it up.

[131 Cong Rec S 13169; October 10, 1985
(Legislative day of Sept. 30, 1985)]

Mr. DOLE. Mr. President, as I have indicated, we will have a pro forma session tomorrow, convening at 9:30 a.m.

On Tuesday, October 15, 1985, the Senate will convene at 10 a.m. Under the standing order, the two leaders will be recognized for 10 minutes each. There is a special order in favor of the Senator from Wisconsin [Mr. PROXMIRE] for 15 minutes. That will be followed by morning business, not to extend beyond the hour of 11 a.m.

Mr. President, following morning business, the Senate will turn to any appropriations bills which have been cleared. No votes will occur during the Tuesday session.

Mr. President, if we can work it out between the majority leader and the minority leader, I hope we can double track with appropriations bills in the morning and reconciliation in the afternoon. We have gotten behind, not just because of the debt limit but other internal controversies over appropriations bills.

[131 Cong Rec S 9060; July 8, 1985]

Mr. DOLE. We will double track, if necessary, to complete the farm bill that week. We will consider the immigration bill, if it is ready for floor consideration, and if we can work out some agreement, that will not take the entire week. In fact, I hope none of these will take the entire week. In addition to that, hopefully the budget resolution will have been resolved. We have a number of nominations that we hope to dispose of by agreement. If not, we hope to move on some of those nominations because there are a number of very important nominations. It is my understanding that the administration is quite concerned, and hopes that we can approve all of the nominations quickly. But as you can see, July is not too heavy of a schedule. [Laughter.] I hope we can work out some other things in the interim. That ought to be a piece of cake.

[131 Cong Rec S 8201; June 17, 1985
(Legislative day of June 3, 1985)]

Mr. DOLE. . . . but if that should come up, hopefully we could double-track there for Wednesday, Thursday, and Friday. I would guess that on Friday we would not be in extremely late that afternoon, but I will attempt to advise the distinguished minority leader prior to the 12 o'clock policy meeting that we have tomorrow.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE

At 2:59 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, 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. 678. An act to require the Secretary of the Treasury to mint coins in commemoration of Thomas Alva Edison and the 125th anniversary of Edison's invention of the light bulb, and for other purposes.

H.R. 1560. An act to require the Secretary of the Treasury to mint coins in commemoration of the Lewis & Clark Expedition, and for other purposes.

H.R. 2225. An act to designate the Federal building and United States courthouse to be constructed on Las Vegas Boulevard between Bridger Avenue and Clark Avenue in Las Vegas, Nevada, as the "Lloyd D. George Federal Building and United States Courthouse."

H.R. 2623. An act to designate the United States Post Office located at 16250 Highway 603 in Kiln, Mississippi, as the "Ray J. Favre Post Office Building."

H.R. 3109. An act to establish the Thomas Cole National Historic Site in the State of New York as an affiliated area of the National Park System.

H.R. 3167. An act to designate the United States Post Office located at 297 Larkfield Road in East Northport, New York, as the "Jerome Anthony Ambro, Jr. Post Office Building."

H.R. 3295. An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building."

H.R. 3810. An act to designate the United States Post Office located at 202 Center Street in Garwood, New Jersey, as the "James T. Leonard, Sr. Post Office."

H.R. 3939. An act to designate the United States Postal Service building located at 658 63rd Street, Philadelphia, Pennsylvania, as the "Edgar C. Campbell, Sr. Post Office Building."

H.R. 3999. An act to designate the United States Postal Service building located at 5209 Greene Street, Philadelphia, Pennsylvania, as the "David P. Richardson, Jr. Post Office Building."

H.R. 4090. An act to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty.

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. 277. Concurrent resolution concerning the New Tribes Mission hostage crisis.

H.Con.Res. 292. Concurrent resolution calling for an end to the recent conflict between Eritrea and Ethiopia, and for other purposes.

The message further announced that pursuant to the provisions of section 503(b)(3) of Public Law 103–227, the Speaker reappoints the following member on the part of the House to the National Skill Standards Board for four-year terms: Mr. William E. Weisgerber of Iona, Michigan.

The message also announced that pursuant to the provisions of section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616), as amended by section 2 (d) of Public Law 102–586, the Speaker appoints the following member on the part of the House to the Coordinating Council on Juvenile Justice and Delinquency Prevention: Mr. Gordon A. Martin of Roxbury, Massachusetts, to a two-year term.

The message further announced that the House has passed the following bills, without amendment:

S. 1683. An act to transfer administrative jurisdiction over part of the Lake Chelan National Recreation Area from the Secretary of the Interior to the Secretary of Agriculture for inclusion in the Wenatchee National Forest.

S. 1883. An act to direct the Secretary of the Interior to convey the Marion National Fish Hatchery and the Claude Harris National Aquacultural Research Center to the State of Alabama, and for other purposes.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, September 10, 1998, by the President pro tempore (Mr. THURMOND):

S. 1379. An act to amend section 552, United States Code, and the National Security Act of 1947 to require disclosure under the Freedom of Information Act regarding certain persons, disclosure Nazi war criminal records without impairing any investigation or prosecution conducted by the Department of Justice or certain intelligence, and for other purposes.

H.R. 629. An act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

H.R. 4059. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

MEASURES REFERRED

The following concurrent resolutions were read and referred as indicated:

H.Con.Res. 277. Concurrent resolution concerning the New Tribes Mission hostage crisis; to the Committee on Foreign Relations.

H.Con.Res. 292. Concurrent resolution calling for an end to the recent conflict between Eritrea and Ethiopia, and for other purposes; to the Committee on Foreign Relations.

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

H.R. 1560. An act requiring the Secretary of the Treasury to mint coins in commemoration of the Lewis & Clark Expedition, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2225. An act to designate the Federal building and United States courthouse to be constructed on Las Vegas Boulevard between Bridger Avenue and Clark Avenue in Las Vegas, Nevada, as the "Lloyd D. George Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 2623. An act to designate the United States Post Office located at 16250 Highway 603 in Kiln, Mississippi, as the "Ray J. Favre Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3167. An act to designate the United States Post Office located at 297 Larkfield Road in East Northport, New York, as the "Jerome Anthony Ambro, Jr. Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3810. An act to designate the United States Post Office located at 202 Center Street in Garwood, New Jersey, as the "James T. Leonard, Sr. Post Office"; to the Committee on Governmental Affairs.

H.R. 3939. An act to designate the United States Postal Service building located at 658 63rd Street, Philadelphia, Pennsylvania, as the "Edgar C. Campbell, Sr. Post Office Building"; to the Committee on Governmental Affairs.

H.R. 3999. An act to designate the United States Postal Service building located at 5209 Greene Street, Philadelphia, Pennsylvania, as the "David P. Richardson, Jr., Post Office Building"; to the Committee on Governmental Affairs.

H.R. 4090. An act to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 2454. A bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

The following bill was read the first and second times and placed on the calendar:

H.R. 3295. An act to designate the Federal building located at 1301 Clay Street in Oakland, California, as the "Ronald V. Dellums Federal Building."

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–6778. A communication from the Director of the Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Civilian Health and Medical Program of the Department of Veterans Affairs" (RIN2900–AE64) received on September 2, 1998; to the Committee on Veterans' Affairs.

EC–6779. A communication from the Secretary of Defense, transmitting, notice of a routine military retirement; to the Committee on Armed Services.

EC–6780. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on an event based decision made for the F–22 aircraft program; to the Committee on Armed Services.

EC–6781. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Department's report on United States contributions to international organizations for the fiscal year 1997; to the Committee on Foreign Relations.

EC–6782. A communication from the Assistant Legal Adviser for Treaty Affairs, transmitting, pursuant to law, the texts of international agreements other than treaties entered into by the United States (98–116–98–130); to the Committee on Foreign Relations.

EC–6783. A communication from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Changes to Trademark Trial and Appeal Board Rules" (RIN0651–AA87) received on September 2, 1998; to the Committee on the Judiciary.

EC–6784. A communication from the Information Officer of the Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, the Board's report under the Freedom of Information Act for the period January 1, 1997 through September 30, 1997; to the Committee on the Judiciary.

EC–6785. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revision to the Definition of an Unemployed Parent" (RIN0938–AH79) received on September 2, 1998; to the Committee on Finance.

EC–6786. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offering Regulations for the United States Savings Bonds, Series I" (Code 4810–39P) received on September 2, 1998; to the Committee on Finance.

EC–6787. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Offset of Tax Refund Payments to Collect Past-Due, Legally Enforceable Nontax Debt" (RIN1510–AA62) received on September 2, 1998; to the Committee on Finance.

EC–6788. A communication from the Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Administrative Offset—Collection of Past-Due Support" (RIN1510–AA58) received on September 2, 1998; to the Committee on Finance.

EC–6789. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property" (Rev. Rul. 98–43) received on August 28, 1998; to the Committee on Finance.

EC–6790. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Examination of Returns and Claims for Refund, Credit, or Abatement; Determination of Correct Tax Liability" (Rev. Proc. 98–45) received on August 28, 1998; to the Committee on Finance.

EC–6791. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expensing of Environmental Remediation Costs" (Rev. Proc. 98–47) received on August 28, 1998; to the Committee on Finance.

EC–6792. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Income of Participants in Common Trust Fund" (Rev. Rul. 98–41) received on September 2, 1998; to the Committee on Finance.

EC–6793. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Action on Decision: Estate of Clara K. Hoover, Deceased, Yetta Hoover Bidegain, Personal Representative v. Commissioner" (Docket 18464–92) received on September 2, 1998; to the Committee on Finance.

EC–6794. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Action on Decision: Barry I. Fredricks v. Commissioner" (Docket 16442–92) received on September 2, 1998; to the Committee on Finance.

EC–6795. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Action on Decision: McCormick v. Peterson" received on September 2, 1998; to the Committee on Finance.

EC–6796. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Distribution of Stock and Securities of a Controlled Corporation" (Rev. Rul. 98–44) received on September 2, 1998; to the Committee on Finance.

EC–6797. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Designated Private Delivery Services" (Rev. Rul. 98–47) received on September 2, 1998; to the Committee on Finance.

EC–6798. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Forms and Instructions" (Rev. Proc. 98–49) received on September 2, 1998; to the Committee on Finance.

EC–6799. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rollover of Gain From Qualified Small Business Stock to Another Qualified Small Business Stock" (Rev. Proc. 98–48) received on September 7, 1998; to the Committee on Finance.

EC–6800. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Protected Benefits (Taxpayer Relief Act of 1997); Qualified Retirement Plan Benefits" (RIN1545–AV95) received on September 7, 1998; to the Committee on Finance.

EC–6801. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Wages Under Section 41

in Determining the Tax Credit for Increasing Research Activities" received on September 2, 1998; to the Committee on Finance.

EC–6802. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dollar-Value LIFO Bargain Purchase Inventory" received on September 2, 1998; to the Committee on Finance.

EC–6803. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Covenants Not to Compete" received on September 2, 1998; to the Committee on Finance.

EC–6804. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dollar-Value LIFO Segment of Inventory Excluded From The Computation of the LIFO Index" received on September 2, 1998; to the Committee on Finance.

EC–6805. A communication from the National Director of Appeals, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Wages Under Section 41 in Determining the Tax Credit for Increasing Research Activities" received on September 2, 1998; to the Committee on Finance.

EC–6806. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Administration's report on the processing of continuing disability reviews for fiscal year 1997; to the Committee on Finance.

EC–6807. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Harvest Information Program; Participating States for the 1998–99 Season" (RIN1018–AE96) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6808. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "1998–99 Refuge-Specific Hunting and Sport Fishing Regulations" (RIN1018–AE68) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6809. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Captive-Bred Wildlife Registration—Final Rule" (RIN1018–AB10) received on September 7, 1998; to the Committee on Environment and Public Works.

EC–6810. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Final Rule to List the Illinois Cave Amphoid as Endangered" (RIN1018–AE31) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6811. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule regarding guidelines for using probabilistic risk assessment in risk-informed decisions on plant-specific changes to the licensing basis of nuclear power plants (Guide 1.174) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6812. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Nuclear Criticality Safety Standards for Fuels and Material Facilities" (Guide 3.71) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6813. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Consolidated Guidance About Materials Licenses: Applications for Sealed Source and Device Evaluation and Registration" (NUREG–1556) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6814. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, the Administration's Reports of Building Project Survey for Springfield, MA, Biloxi-Gulfport, MS, Eugene, OR, and Wheeling, WV; to the Committee on Environment and Public Works.

EC–6815. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate" (FRL6154–5) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6816. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Lead; Fees for Accreditation of Training Programs and Certification of Lead-Based Paint Activities Contractors" (FRL6017–8) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6817. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation; Administrative Amendments" (FRL6155–5) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6818. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Bay Area Air Quality Management District" (FRL6138–8) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6819. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan; Illinois" (FRL6152–5) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6820. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Louisiana: Reasonable Available Control Technology for Emissions of Volatile Organic Compounds from Batch Processes" (FRL6156–3) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6821. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Commonwealth of Virginia; Control of Total Reduced Sulfur Emissions from Existing Kraft Pulp Mills" (FRL6155–9) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6822. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Characteristic Slags Generated from Thermal Recovery of Lead by Secondary Lead Smelters; Land Disposal Restrictions; Final Rule; Extension of Effective Date" (FRL6155–7) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6823. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment of the Air Quality for PM–10 in the Liberty Borough, Pennsylvania Area" (FRL6149–3) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6824. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Process and Criteria for Funding State and Territorial Nonpoint Source Management Programs in FY1999" received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6825. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "State of New Jersey; Final Program Determination of Adequacy of State Municipal Solid Waste Landfill Permit Program" (FRL6155–8) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6826. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acrylic Acid Terpolymer, Partial Sodium Salts; Tolerance Exemption" (FRL6024–1) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6827. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revisions to Several Chapters of the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program" (FRL6156–7) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6828. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Certain Chemical Substances; Removal of Significant New Use Rules" (FRL6020–7) received on September 2, 1998; to the Committee on Environment and Public Works.

EC–6829. A communication from the Director of the Office of Regulatory Management

and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Herbicide Safener HOE-107892; Pesticide Tolerances for Emergency Exemptions" (FRL6024-7) received on September 2, 1998; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2119. A bill to amend the Amateur Sports Act to strengthen provisions protecting the right of athletes to compete, recognize the Paralympics and growth of disabled sports, improve the U.S. Olympic Committee's ability to resolve certain disputes, and for other purposes (Rept. No. 105ª 325).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ROTH, from the Committee on Finance:

Susan G. Esserman, of Maryland, to be Deputy United States Trade Representative, with the rank of Ambassador.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DASCHLE:

S. 2455. A bill to amend the Railroad Retirement Act of 1974 to prevent the canceling of annuities to certain divorced spouses of workers whose widows elect to receive lump sum payments; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 2456. A bill to convert a temporary Federal judgeship in the district of Hawaii to a permanent judgeship, extend statutory authority for magistrate positions in Guam and the Northern Mariana Islands, and for other purposes; to the Committee on the Judiciary.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2457. A bill to make a technical correction to the Columbia River Gorge National Scenic Area Act of 1986; to the Committee on Energy and Natural Resources.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2458. A bill to amend the Act entitled "An Act to provide for the creation of the Morristown National Historical Park in the State of New Jersey, and for other purposes" to authorize the acquisition of property known as the "Warren Property"; to the Committee on Energy and Natural Resources.

By Mr. SPECTER:

S. 2459. A bill for the relief of Paul G. Finnerty and Nancy Finnerty of Scranton, Pennsylvania; to the Committee on Labor and Human Resources.

By Mr. LEVIN (for himself and Mr. DURBIN):

S. 2460. A bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself, Mr. CRAIG, Mr. CAMPBELL, and Mr. BURNS):

S. Res. 275. A resolution expressing the sense the Senate that October 11, 1998, should be designated as "National Children's Day"; to the Committee on the Judiciary.

By Mr. SPECTER:

S. Con. Res. 116. A concurrent resolution concerning the New Tribes Mission hostage crisis; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE:

S. 2455. A bill to amend the Railroad Retirement Act of 1974 to prevent the canceling of annuities to certain divorced spouses of workers whose widows elect to receive lump sum payments; to the Committee on Labor and Human Resources.

RAILROAD RETIREMENT AMENDMENT ACT OF 1998''

Mr. DASCHLE. Mr. President, today I am introducing legislation on behalf of Valoris Carlson of Aberdeen, SD, and the handful of others like her whose lives have been terribly disrupted. This legislation will right a wrong that was not due to any error or deception on Valoris' part, but due to an administrative error by the Railroad Retirement Board [RRB]. In addition, the majority of the Board supports the amendment.

In 1984 Valoris, as the divorced spouse of a deceased railroad employee, applied for a tier I survivor's annuity. The RRB failed to check if a lump sum withdrawal had previously been made on the account at the time of her former spouse's death—even though Valoris clearly stated on her application that there was a surviving widow. In fact, a lump sum payment had been made, but not identified. The RRB began paying Valoris $587 per month in 1984 and continued to pay her benefits for 11 years. In 1994 the RRB discovered that an error had been made over a decade ago.

Subsequently, Valoris was told she was not eligible for the pension she was awarded in 1984. Had the RRB thoroughly reviewed their records, they would have seen that a lump-sum payment had been made on that account. Valoris, who was married for 26 years, lost her eligibility to the widow of the railroad worker who had been married to him for only 3 years. Valoris made an honest application for benefits. The RRB made an error, resulting in 11 years of "overpayments" to Valoris.

These payments affected Valoris' planning for the future. Valoris planned her retirement on that modest sum of $587. Had she been told she was not eligible for benefits, she would have worked longer to build up her own Social Security benefits. Her railroad divorced widow's benefit has been her only steady income. She has picked up a few dollars here and there by renting out rooms in her home, but without her monthly benefit income, Valoris has had a terrible time struggling to make ends meet.

The bill I am introducing today will address the errors made by the RRB that have disrupted the life of Valoris Carlson and others like her. The RRB advises that 15 other widows are similarly situated, and their pensions would also be restored by this bill.

The bill, which was developed with technical assistance from the RRB, would allow the 16 women impacted by the RRB's administrative error to begin receiving their monthly benefits again. It requires them to repay the lump sum, but they are allowed to do so through a modest withholding from their monthly benefit. The RRB could waive the monthly withholding if it would cause excessive hardship for a widow.

According to the RRB, the costs of this legislation would be negligible for scoring purposes.

Mr. President, I will work to enact this legislation as quickly as possible to restore the benefits to those women who are now suffering as a result of the Government's mistakes. It has been four years since these women have lost their retirement income. There is no excuse for further delay in providing these Americans with benefits they were led to expect by the RRB.

Mr. President, I ask 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. 2455

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 "Railroad Retirement Amendment Act of 1998".

SEC. 2. PROTECTION OF DIVORCED SPOUSES.

(a) IN GENERAL.—Section 6(c) of the Railroad Retirement Act of 1974 (45 U.S.C. 231e(c)) is amended—

(1) in the last sentence of paragraph (1), by inserting "(other than to a survivor in the circumstances described in paragraph (3))" after "no further benefits shall be paid"; and

(2) by adding at the end the following:

"(3) Notwithstanding the last sentence of paragraph (1), benefits shall be paid to a survivor who—

"(A) is a divorced wife; and

"(B) through administrative error received benefits otherwise precluded by the making of a lump sum payment under this section to a widow;

if that divorced wife makes an election to repay to the Board the lump sum payment. The Board may withhold up to 10 percent of each benefit amount paid after the date of the enactment of this paragraph toward such reimbursement. The Board may waive such repayment to the extent the Board determines it would cause an unjust financial hardship for the beneficiary.".

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply with respect to any benefits paid before the date of enactment of this Act as well as to benefits payable on or after the date of the enactment of this Act.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 2457. A bill to make technical correction to the Columbia River Gorge National Scenic Area Act of 1986; to the Committee on Energy and Natural Resources.

COLUMBIA RIVER GORGE BOUNDARY ADJUSTMENT ACT

• Mr. GORTON. Mr. President, it gives me great pleasure today to introduce legislation which will correct a longstanding technical error to the Columbia Gorge National Scenic Area Act of 1986.

As those who were around this body over a decade ago remember, the Columbia Gorge Act was a highly complicated and contentious piece of legislation. A great number of impacted citizens made substantial sacrifices to see that this Act which was intended to protect one of the most pristine and magnificent natural resources anywhere in America could become law. Because of the detailed nature and the sometimes convoluted process established under this Act, it is not surprising that a mistake along the lines of what my bill today intends to correct could happen. My legislation simply makes a technical correction to the Gorge Act by excluding approximately 29 acres of land owned by the Port of Camas-Washougal. This area was inadvertently included within the southwestern boundary of the Columbia River Gorge National Scenic Area 12 years ago.

Mr. President, ever since the establishment of the National Scenic Area, the Port of Camas-Washougal has been diligent in its efforts to prove that a small portion of its property was unintentionally included in the Scenic Area. In fact, even before the Gorge Act became law, the Port was successful in getting legislation passed that established the Steigerwald Lake National Wildlife Refuge and reserved 80 acres of this area for its own purposes.

Unfortunately, two years later, Congress in its infinite wisdom located the southwest boundary of the Columbia Gorge National Scenic Area so that approximately 19 of the 80 reserved acres and 10 acres of Port-owned land were included in the National Scenic Area. The legislation I am offering today would exclude these 29 acres under question as Congress had originally intended.

I touched earlier on the Port's diligence in seeing this process through to its completion. Whether it be working with the Washington State Congressional delegation, getting approval from the Columbia Gorge Commission, or convincing originally skeptical segments of the local community, the Port's efforts are proof positive that persistence pays off when it comes to resolving complicated and contentious problems. It also helps to have the facts on your side. And clearly that is what the Port has been demonstrating over the past 12 years.

One concern that was raised in discussions with representatives of a number of interested parties throughout the local southwestern Washington community was the possibility that legislation making a technical boundary change might set a dangerous precedent in which other less deserving boundary change proposals are cavalierly enacted into law. Because of these concerns, I have included a provision in my bill stating in no uncertain terms that is not the intent of this legislation to set a precedent regarding adjustment or amendment of any boundaries of the National Scenic Area or any other provisions of the Columbia River Gorge National Scenic Area Act.

While the Gorge Act remains controversial within some sectors of my state and is by no means perfect, this legislation represents a special case where it has been clearly proven that the intent of Congress was not being carried out and the enabling statute needed correction. Any further proposals to change boundaries or revisions to the '86 Act will have to stand on their own merits and pass a similar test.

In addition to the Port of Camas-Washougal, I also want to commend representatives of the Columbia Gorge Commission and the Friends of the Gorge for working together with the Port to develop a reasonable solution to this mistake. I also want to thank my two colleagues, Senator MURRAY and Congresswomen SMITH, both of whom also have the pleasure of representing this beautiful area, for their support in this effort. While my legislation is not intended to set any legislative precedents, I do hope the positive process by which it was developed will foster further consensus building efforts throughout the local community.•

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 2458. A bill to amend the Act entitled "An Act to provide for the creation of the Morristown National Historical Park in the State of New Jersey, and for other purposes" to authorize the acquisition of property known as the "Warren Property"; to the Committee on Energy and Natural Resources.

MORRISTOWN NATIONAL HISTORICAL PARK LEGISLATION

Mr. TORRICELLI. Mr. President, today with Senator LAUTENBERG I introduce legislation to preserve land on which our nation was forged. During the harsh winter of 1779–1780 the Continental Army, and its leader, General George Washington camped at Morristown, New Jersey.

Washington chose Morristown for its logistical, geographical, and topographical advantages and also because of its close proximity to British-occupied New York City. Washington and his men encountered great hardships here, as the winter of 1779 was the worst winter here in over 100 years.

When soldiers first arrived at Morristown, they had no choice but to sleep out in the open snow as it took most about two to three weeks to build wooden huts to hold groups of a dozen men. The last of the Continental Army, however, did not move into the huts until the middle of February, and conditions were so bad that many soldiers stole regularly to eat, deserted, or mutinied. Only the leadership of General Washington held the Continental Army intact, enabling him to plot the strategy for the coming spring that would turn the tide of the war.

Through the preservation of this site, we honor the men who served at Morristown and fought for our independence. And more than that, we preserve the best classroom imaginable to understand how our nation was born.

Recognizing the importance of this site, Congress created the Morristown National Historical Park in 1933, the first historical national park in the National Park System.

In the years since the establishment of the park, however, New Jersey has undergone a revolution of another sort: from Garden State to Suburban State. In 1959, there were 15,000 farms in New Jersey covering 1.4 million acres. Today, there are 9,000 farms on 847,000 acres, a 40% decrease. In New Jersey, as much as 10,000 acres of rural land is being developed every year.

North-central New Jersey and the area around the park has not been spared from this development. Much of the private land adjacent to the park has been subdivided and developed for residential use. Many of these residences are visible from park areas, altering the rural character of the park and diminishing the visitor's experience of the park's historic landscape.

The legislation we are introducing today will help preserve the natural environment of the Park by authorizing the Park Service to expand the boundary of the park to include the 15-acre

Warren property on Mt. Kemble Ridge. Specifically, our legislation authorizes the Secretary of the Interior to acquire through purchase, purchase with appropriated funds, or donation, the Warren Property. This acquisition will prevent this land, where patriots made their camp during the winter of 1779–1780, from being re-zoned and subdivided for residential development.

The National Park Service strongly supports this legislation. NPS Deputy Director, Denis Galvin, recently testified in support of legislation to acquire the Warren Property before a House National Parks and Public Lands Subcommittee hearing on March 26, 1998. This important parcel of land has been classified as "desirable for acquisition" by the National Park Service since 1976.

In addition, the property's owner, Jim Warren, is a willing seller and interested in seeing the property preserved as part of Morristown National Historical Park. Acquisition of the Warren Property for inclusion in the park would ensure that the character of the park's historic landscape is not further degraded.

Unfortunately, there are historic sites in my home state of New Jersey and across our country that need to be preserved. It is my hope that through this effort, the Morristown National Historical Park and sites like it across the country will be preserved for generations to come so that the history of our country and its guiding principles will remain alive in the hearts of all Americans.

• Mr. LAUTENBERG. Mr. President, today I wanted to announce that I am cosponsoring legislation authorizing the National Park Service to acquire and add lands to the Morristown National Historical Park. The Morristown National Historical Park is an important Revolutionary War site and this bill would authorize the Park Service to acquire lands from a willing seller to prevent the encroachment of modern residential and commercial development in an effort to preserve the visitor's experience of the park's historic landscape and enable the park to retain its rural character.

The Morristown National Historical Park was established in 1933 and hosts approximately 550,000 visitors a year. The park preserves the sites that were occupied by General George Washington and the Continental Army during this critical period where he held together, during desperate times, the small, ragged army that represented the country's main hope for independence. General Washington chose the area for its logistical, geographical, and topographical military advantages, in addition to its proximity to New York City, which was occupied by the British in 1779. The site proposed for acquisition would be a 15 acre parcel near the Jockey Hollow Encampment Area of the park and prevent further degradation of the parks vistas.

I invite my colleagues to join me in support of this legislation which will ensure that an important historical site for New Jersey and the nation is protected.•

By Mr. SPECTER:

S. 2459. A bill for the relief of Paul G. Finnerty and Nancy Finnerty of Scranton, Pennsylvania; to the Committee on Labor and Human Resources.

PRIVATE RELIEF LEGISLATION

• Mr. SPECTER. Mr. President, although it is late in the session, I am introducing legislation to rectify a problem facing one of my constituents, Mr. Paul Finnerty of Scranton, and his wife concerning his federal retirement benefits. It is necessary for Congress to become involved in this case because Mr. Finnerty has exhausted administrative relief and lost an estoppel claim in the 3rd Circuit Federal Court of Appeals, which ruled that "regardless of the possibility of agency error in this case, we have no authority over the disbursement of funds that has been assigned by the Constitution to Congress alone."

I am advised that Mr. Finnerty and his wife are entitled to employee and spousal annuities based on his more than 30 years in the railroad industry. They were misinformed by federal employees as to the actual retirement benefits they would receive and relied to their detriment on the higher figure in deciding that Mr. Finnerty should retire in 1993. Specifically, there is documentation which reflects the failure of the Scranton Field Office of the Railroad Retirement Board to advise Mr. Finnerty appropriately regarding the impact of a statutory maximum of $1200/month in retirement benefits if he remained in the federal CSRS pension system instead of switching into the FERS system. I have enclosed an example of such documentation for the RECORD.

While the private relief legislation is a last resort used sparingly by the Congress, the Finnertys have provided enough documentation to suggest that their request merits careful review by the Labor Committee, which has jurisdiction over such bills. Accordingly, I am introducing this bill today to begin that review process.

Mr. President, I ask unanimous consent that a Railroad Retirement Board letter be printed in the RECORD.

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

UNITED STATES OF AMERICA,
RAILROAD RETIREMENT BOARD,
Chicago, IL, September 26, 1994.

Hon. JOSEPH M. MCDADE,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN MCDADE: Your letter on behalf of Mr. Paul G. Finnerty has been forwarded to me for reply.

Upon investigation of the circumstances described by Mr. Finnerty in his letter dated August 20, 1994, to you, I have determined that our Scranton field office repeatedly overestimated the amount of railroad retirement benefits that Mr. Finnerty could expect to receive upon his retirement. I regret this mistake.

The Scranton field office failed to consider the effect of the railroad retirement maximum provision of the Railroad Retirement Act of 1974 each time they furnished an estimate to Mr. Finnerty.

The railroad retirement maximum provision limits the total amount of railroad retirement benefits payable to an employee and spouse at the time the employee's annuity begins to a maximum based on the highest 2 years of creditable railroad retirement or social security covered earnings in the 10-year period ending with the year the employee's annuity begins. Since Mr. Finnerty's Federal employment for the previous 10 years was covered under the Civil Service Retirement System, his railroad retirement maximum amount could not be based on the highest 2 years of creditable railroad retirement or social security covered earnings. Therefore, Mr. Finnerty's railroad retirement maximum amount is set at the statutory limit of $1,200 in accordance with section 4(c) of the Railroad Retirement Act.

Unfortunately, the effect of the railroad retirement maximum in Mr. Finnerty's case is the reduction of the tier II component to zero in both the employee and spouse annuity. Since the Scranton field office included a tier II amount in the employee and spouse annuity computation, an overestimate of benefits resulted.

I sincerely regret any problems we have caused Mr. Finnerty. We strive to furnish the best service possible to our beneficiaries. When seeking our assistance during the important time of planning for retirement, our beneficiaries certainly have a right to expect that accurate annuity estimates are provided. Although we have failed Mr. Finnerty in that regard, the Scranton field manager has counseled his staff to consider the effect of the railroad retirement maximum provision when calculating estimates in the future. We will continue to stress the importance of accurate service to the public and, in an effort to prevent future mistakes, will issue a reminder to all field employees on this issue.

I am sorry a more favorable response cannot be made in regard to your constituent as we are required to pay benefits according to the law. If you need further information, please do not hesitate to contact us.

Sincerely,

KENNETH P. BOEHNE,
Director of Administration and Operations.•

By Mr. LEVIN (for himself and Mr. DURBIN):

S. 2460. A bill to curb deceptive and misleading games of chance mailings, to provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes; to the Committee on Governmental Affairs.

THE DECEPTIVE MAILING ELIMINATION ACT OF 1998

• Mr. LEVIN. Mr. President, today I am introducing a bill that, if enacted, will go a long way toward eliminating deceptive practices in mailings that use games of chance like sweepstakes to induce consumers to purchase a

product or waste their money by paying to play a game they will not win. The use of gimmicks in these contests, such as a large notice declaring the recipient a winner—oftentimes a "guaranteed" winner or one of two final competitors for a large cash prize—has proliferated to the point that American consumers are being duped into purchasing products they don't want or need because they think they have won or will win a big prize if they do so. Complaints about these mailings are one of the top ten consumer complaints in the nation. I have received numerous complaints from my constituents in Michigan asking that something be done to provide relief from these mailings.

Earlier this month we held a hearing in our Governmental Affairs Committee federal services subcommittee on the problem of deceptive sweepstakes and other mailings involving games of chance. We learned from three of our witnesses, the Florida Attorney General, the Michigan Assistant Attorney General and the Postal Inspection Service, that senior citizens are particular targets of these deceptive solicitations, because they are the most vulnerable. State Attorneys General have taken action against many of the companies that use deceptive mailings. The states have entered into agreements to stop the most egregious practices, but the agreements apply only to the states that enter into the agreements. This allows companies to continue their deceptive practices in other states. That's why federal legislation in this area is needed. The bill I'm introducing today will eliminate deceptive practices by prohibiting misleading statements, requiring more disclosure, imposing a $10,000 civil penalty for each deceptive mailing and providing the Postal Service with additional tools to pursue deceptive and fraudulent offenders.

Sweepstakes solicitations are put together by teams of clever marketers who package their sweepstakes offers in such a way so as to get people to purchase a product by implying that the chances of winning are enhanced if the product being offered is purchased. Rules and important disclaimers are written in fine print and hidden away in obscure sections of the solicitation or on the back of the envelope that is frequently tossed away. Even when one reads the rules, it frequently takes a law degree to understand them.

The bill I am introducing will protect consumers from deceptive practices by directing the Postal Service to develop and issue regulations that restrict the use of language and symbols on direct mail game of chance solicitations, including sweepstakes, that mislead the receiver into believing they have won, or will win a prize. The bill also requires additional disclosure about chances of winning and the statement that no purchase is necessary. Any mail that is designated by the Postal Service as being deceptive will not be delivered. This will significantly reduce if not eliminate the deceptive practices being used in the direct mail industry to dupe unsuspecting consumers into thinking they are grand prize winners. The direct mail industry should benefit as a result. The adverse publicity recently aimed at the industry because of "You Have Won a Prize" campaigns has malign the industry as a whole. Cleaning up deceptive advertising will certainly improve the industry's image.

For those entities that continue to use deceptive mailings, my bill imposes a civil penalty of $10,000 for each offense that violates Postal Service regulations. Currently the Postal Service can impose a $10,000 daily fine for evading or not complying with a Postal Service order. My bill imposes a fine concurrent with issuing an order. This has the effect of applying the penalty to the deceptive offense, not for noncompliance of the order.

My bill allows the Postal Service to quickly respond to changes in deceptive marketing practices by tasking them to draft regulations and language that will be effective against the "scheme du jour." A deceptive practice used today, may not be used tomorrow. As soon as authorities learn about one scheme, it's changes. If legislation is passed that requires a specific notice, it won't be too long before another deceptive practice will pop up to by-pass the legislation. The Postal Service, who is in the business of knowing what is going on with the mails, will be able to evaluate what regulatory changes will be required to keep pace with deceptive practices. This will ensure that deceptive practices are weeded out in a timely manner by keeping regulations current.

The bill also gives the Postal Service administrative subpoena power to respond more quickly to deceptive and fraudulent mail schemes. Currently the Postal Service must go through a lengthy administrative procedure before it can get evidence to shut down illegal operations. By the time they get through all the administrative hoops, the crook has folded up operations and disappeared, or has destroyed all the evidence. By granting the Postal Service limited subpoena authority to obtain relevant or material records for an investigation, the Postal Service will be able to act more efficiently against illegal activities. Subpoena authority will make the Postal Service more effective and efficient in its pursuit of justice.

The Deceptive Sweepstakes Mailings Elimination Act of 1998 takes a tough approach to dealing with sweepstakes solicitations and other games of chance offerings that are sent through the mail. If you use sweepstakes or a game of chance to promote the sale of a product and provide adequate disclosure and abide with Postal Service regulations, then the Postal Service will deliver that solicitation. If deceptive practices are used in a sweepstakes or a game of chance solicitation, then the Postal Service will be able to stop the solicitation, and impose a significant penalty.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2460

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

SECTION 1. DECEPTIVE GAMES OF CHANCE MAILINGS ELIMINATION.

(a) SHORT TITLE.—This Act may be cited as the "Deceptive Games of Chance Mailings Elimination Act of 1998".

(b) NONMAILABLE MATTER.—

(1) IN GENERAL.—Section 3001 of title 39, United States Code, is amended—

(A) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(B) by inserting after subsection (i) the following:

"(j)(1) Matter otherwise legally acceptable in the mails that constitutes a solicitation or offer in connection with the sales promotion for a product or service or the promotion of a game of skill that includes the chance or opportunity to win anything of value and that contains words or symbols that suggest the recipient will, or is likely to, receive anything of value, shall conform with requirements prescribed in regulations issued by the Postmaster General.

"(2) Matter not in conformance with the regulations prescribed under paragraph (1) shall not be carried or delivered by mail and shall be disposed of as the Postal Service directs.

"(3) Regulations prescribed under paragraph (1) shall require, at a minimum, that—

"(A) promotion of games of chance mailings contain notification or disclosure statements, with sufficiently large and noticeable type to be effective notice to recipients that—

"(i) any recipient is not obligated to purchase a product in order to win;

"(ii) sets out the chances of winning accurately; and

"(iii) advises that purchases do not enhance the recipient's chances of winning;

"(B) games of chance mailings shall be clearly labeled to—

"(i) identify such mailings as games of chance mailings; and

"(ii) prohibit misleading statements representing that recipients are guaranteed winners; and

"(C) solicitations in games of chance mailings may not represent that the recipient is a member of a selected group whose chances of winning are enhanced as a member of that group.".

(2) FALSE REPRESENTATIONS.—Section 3005(a) of title 39, United States Code, is amended—

(A) in the first sentence by striking "section 3001 (d), (h), or (i)" and inserting "section 3001 (d), (h), (i), or (j)"; and

(B) in the second sentence by striking "section 3001 (d), (h), or (i)" and inserting "section 3001 (d), (h), (i), or (j)".

(c) ADMINISTRATIVE SUBPOENAS.—

(1) IN GENERAL.—Chapter 30 of title 39, United States Code, is amended by adding at the end the following:

"§ 3016. Administrative subpoenas

"(a) AUTHORIZATION OF USE OF SUBPOENAS BY POSTMASTER GENERAL.—In any investigation conducted under this chapter, the Postmaster General may require by subpoena the production of any records (including books, papers, documents, and other tangible things which constitute or contain evidence) which the Postmaster General finds relevant or material to the investigation.

"(b) SERVICE.—(1) A subpoena issued under this section may be served by a person designated under section 3061 of title 18 at any place within the territorial jurisdiction of any court of the United States.

"(2) Any such subpoena may be served upon any person who is not to be found within the territorial jurisdiction of any court of the United States, in such manner as the Federal Rules of Civil Procedure prescribe for service in a foreign country. To the extent that the courts of the United States may assert jurisdiction over such person consistent with due process, the United States District Court for the District of Columbia shall have the same jurisdiction to take any action respecting compliance with this section by such person that such court would have if such person were personally within the jurisdiction of such court.

"(3) Service of any such subpoena may be made by a Postal Inspector upon a partnership, corporation, association, or other legal entity by—

"(A) delivering a duly executed copy thereof to any partner, executive officer, managing agent, or general agent thereof, or to any agent thereof authorized by appointment or by law to receive service of process on behalf of such partnership, corporation, association, or entity;

"(B) delivering a duly executed copy thereof to the principal office or place of business of the partnership, corporation, association, or entity; or

"(C) depositing such copy in the United States mails, by registered or certified mail, return receipt requested, duly addressed to such partnership, corporation, association, or entity at its principal office or place of business.

"(4) Service of any subpoena may be made upon any natural person by—

"(A) delivering a duly executed copy to the person to be served; or

"(B) depositing such copy in the United States mails by registered or certified mail, return receipt requested, duly addressed to such person at his residence or principal office or place of business.

"(5) A verified return by the individual serving any such subpoena setting forth the matter of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such subpoena.

"(c) ENFORCEMENT.—(1) Whenever any person, partnership, corporation, association, or entity fails to comply with any subpoena duly served upon him, the Postmaster General may request that the Attorney General seek enforcement of the subpoena in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this section.

"(2) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this section. Any final order entered shall be subject to appeal under section 1291 of title 28. Any disobedience of any final order entered under this section by any court shall be punished as contempt.

"(d) DISCLOSURE.—Any documentary material provided pursuant to any subpoena issued under this section shall be exempt from disclosure under section 552 of title 5.".

(2) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Postal Service shall promulgate regulations setting out the procedures the Postal Service will use to implement this subsection.

(3) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 30 of title 39, United States Code, is amended by adding at the end the following:

"3016. Administrative subpoenas.".

(d) ADMINISTRATIVE CIVIL PENALTIES FOR NONMAILABLE MATTER VIOLATIONS.—Section 3012 of title 39, United States Code, is amended by adding at the end the following:

"(e)(1) In any proceeding in which the Postal Service issues an order under section 3005(a), the Postal Service may assess civil penalties in an amount of $10,000 per violation for each mailing of nonmailable matter as defined under any provision of this chapter.

"(2) The Postal Service shall prescribe regulations to carry out the subsection.".●

ADDITIONAL COSPONSORS

S. 356

At the request of Mr. GRAHAM, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 358

At the request of Mr. DEWINE, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 472

At the request of Mr. DASCHLE, his name was added as a cosponsor of S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes.

S. 1981

At the request of Mr. HUTCHINSON, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1981, a bill to preserve the balance of rights between employers, employees, and labor organizations which is fundamental to our system of collective bargaining while preserving the rights of workers to organize, or otherwise engage in concerted activities protected under the National Labor Relations Act.

S. 1993

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1993, a bill to amend title XVIII of the Social Security Act to adjust the formula used to determine costs limits for home health agencies under the medicare program, and for other purposes.

S. 2017

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2017, a bill to amend title XIX of the Social Security Act to provide medical assistance for breast and cervical cancer-related treatment services to certain women screened and found to have breast or cervical cancer under a Federally funded screening program.

S. 2145

At the request of Mr. SHELBY, the names of the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. FORD), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2145, a bill to modernize the requirements under the National Manufactured Housing Construction and Safety Standards Act of 1974 and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.

S. 2165

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2165, a bill to amend title 31 of the United States Code to improve methods for preventing financial crimes, and for other purposes.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Tennessee (Mr. FRIST), the Senator from Tennessee (Mr. THOMPSON), the Senator from Arkansas (Mr. BUMPERS), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Minnesota (Mr. GRAMS) 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. 2181

At the request of Mr. AKAKA, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2181, a bill to amend section 3702 of title 38, United States Code, to make permanent the eligibility of former

members of the Selected Reserve for veterans housing loans.

S. 2263

At the request of Mr. GORTON, the name of the Senator from New York (Mr. D'AMATO) was added as a cosponsor of S. 2263, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the National Institutes of Health with respect to research on autism.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor 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 names of the Senator from Indiana (Mr. LUGAR) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors 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. 2323

At the request of Mr. GRASSLEY, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 2323, a bill to amend title XVIII of the Social Security Act to preserve access to home health services under the medicare program.

S. 2364

At the request of Mr. CHAFEE, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2432

At the request of Mr. JEFFORDS, the names of the Senator from Minnesota (Mr. WELLSTONE), the Senator from Virginia (Mr. WARNER), and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 2432, a bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

S. 2433

At the request of Mr. D'AMATO, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2433, a bill to protect consumers and financial institutions by preventing personal financial information from being obtained from financial institutions under false pretenses.

S. 2448

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2448, a bill to amend title V of the Small Business Investment Act of 1958, relating to public policy goals and real estate appraisals, to amend section 7(a) of the Small Business Act, relating to interest rates and real estate appraisals, and to amend section 7(m) of the Small Business Act with respect to the loan loss reserve requirements for intermediaries, and for other purposes.

S. 2454

At the request of Mr. MCCONNELL, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from Washington (Mr. GORTON) were added as cosponsors of S. 2454, a bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of Senate Resolution 259, a resolution designating the week beginning September 20, 1998, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 264

At the request of Mrs. MURRAY, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of Senate Resolution 264, a resolution to designate October 8, 1998 as the Day of Concern About Young People and Gun Violence.

SENATE CONCURRENT RESOLUTION 116—CONCERNING THE NEW TRIBES MISSION HOSTAGE CRISIS

Mr. SPECTER submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 116

Whereas Mark Rich, David Mankins, and Rick Tenenoff of the Sanford, Florida, based New Tribes Mission were abducted on January 31, 1993, from the Kuna Indian village of Pucuro in the Darien Province of Panama;

Whereas the wives and children of these American citizens, Tania Rich (daughters—Tamra and Jessica), Nancy Mankins (son—Chad, daughter—Sarah), and Patti Tenenoff (son—Richard Lee III, daughters—Dora and Connie), have lived the past 5 years without knowledge of the safety of these 3 men;

Whereas Mark Rich, David Mankins, and Rick Tenenoff presently are believed to be the longest held United States hostages;

Whereas this kidnapping represents a gross violation of the 3 missionaries' human rights and is not an isolated incident in Colombia where, since 1980, 83 innocent Americans have been held hostage by the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN);

Whereas the FARC and the ELN guerrilla groups in Colombia have both been designated terrorist organizations by the Department of State;

Whereas Colombia is engaged in a high-level conflict with these guerrilla insurgency groups, a number of whom are protectorates of the deadly drug trade;

Whereas the FARC has recently threatened officials of the United States Government and kidnapped additional United States citizens in Colombia;

Whereas the region of Colombia where the 3 American missionaries are believed to be held is controlled not by the Colombian Government, but rather by the FARC;

Whereas on December 9, 1997, the President of Colombia stated on an internationally televised episode of Larry King Live that the FARC "in some ways have admitted indirectly that they have the missionaries";

Whereas Human Rights Watch has stated that "The FARC has an obligation to unconditionally free the 3 missionaries, with all necessary guarantees" and Amnesty International has declared their "request that the FARC respect international humanitarian norms, guarantee the life and physical safety of the missionaries and unconditionally free them and all other hostages";

Whereas congressional inquiries regarding the 3 missionaries have been made to United States Government entities, including, the White House, the Department of State, the Department of Defense, the Department of Justice, and the Federal Bureau of Investigation;

Whereas congressional inquiries regarding the 3 missionaries have been made to Amnesty International, Pax Christi, His Holiness the Pope John Paul II, and the International Committee of the Red Cross, which has provided assurances that their Colombian delegation "is still actively working in favor of the missing members of the New Tribes Mission";

Whereas 58 Members of Congress and Senators signed letters to 8 different heads of state, including Costa Rica, Mexico, Panama, Spain, Venezuela, Guatemala, Colombia, and Portugal, in attendance at the Iberian-American Conference in Venezuela in November of 1997, requesting any and all assistance in order to bring about a favorable outcome to this unfortunate event;

Whereas no official confirmation of life or death has been made by any United States Government entity, nongovernmental organization, foreign government, or religious institution;

Whereas the distinction between a "terrorist activity" and a "criminal activity" perpetrated on an American citizen traveling abroad should not be a limiting factor in terms of United States governmental investigation; and

Whereas every consideration to safety and prudence regarding action by the United States Government, foreign governments, nongovernmental organizations, international institutions, and other groups in this matter should be of the highest priority: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) the President of the United States and his emissaries should raise the kidnapping of Mark Rich, David Mankins, and Rick Tenenoff of the New Tribes Mission and other American victims in Colombia to all relevant foreign governments, nongovernmental organizations, and religious institutions at every opportunity until a favorable outcome is achieved;

(2) the President of the United States and the Secretary of State should offer reward money for information leading to the release of the named hostages;

(3) the President of the United States and his emissaries should urge the cooperation of the new President of Colombia to assist in the publication of the reward information;

(4) the international community should encourage any and all groups believed to have information on this case to come forward to help the families of the kidnapped missionaries;

(5) all appropriate information obtained by the United States Government, foreign governments, international institutions, nongovernmental organizations, and religious institutions should be turned over in a timely basis to the New Tribes Mission crisis response team;

(6) a copy of this resolution shall be transmitted to the President, the Secretary of State, the National Security Advisor, the Secretary of Defense, the Director of the Federal Bureau of Investigation, the Director of Central Intelligence, the President of the Republic of Costa Rica, the President of the United Mexican States, the President of the Republic of Panama, the King of Spain, the President of the Republic of Venezuela, the President of the Republic of Guatemala, the President of the Republic of Colombia, the President of the Republic of Portugal, and His Holiness Pope John Paul II; and

(7) a copy of this resolution shall be transmitted to the New Tribes Mission, Amnesty International, Pax Christi, and the International Committee of the Red Cross.

• Mr. SPECTER. Mr. President, I have sought recognition today to submit a Resolution that seeks the President's assistance in recovering three Americans—Mark Rich, David Mankins, and Rick Tenenoff—who were abducted by the Colombian terrorists known as the Revolutionary Armed Forces of Colombia (FARC) on January 31, 1993, from the Kuna Indian village of Pucuro in the Darien Province of Panama.

I first became aware of this situation at a Lancaster County open house town meeting at the Lancaster City Council Chambers on February 9, 1998. At the meeting, Ms. Peggie Miller urged me to get involved in the situation. Also present at the meeting were Chester and Mary Bitterman. Mr. Bitterman stood and spoke passionately about his son, Chet Bitterman, III, who was a missionary translator with Wycliffe Bible. Chet Bitterman, III, was kidnapped in Bogota, Colombia, in January, 1981, held hostage for 48 days and then found brutally murdered by Colombian terrorists on march 7, 1981. Not only did Mr. and Mrs. Bitterman lose a son, but Chet left a wife and two very young daughters. A book entitled "Called to Die" written by Steve Estes describes the horrible situation. Upon the urging of these constituents, I met with New Tribes Mission, the State Department, the Federal Bureau of Investigation and the Central Intelligence Agency to see what we could do about recovering these kidnapped men.

This resolution expresses the sense of the Congress that the President and his representatives should raise the issue of the kidnapping of Mark Rich, David Mankins, and Rick Tenenoff of the New Tribes Mission and other American victims in Colombia to all relevant foreign governments, non-governmental organizations, and religious institutions at every opportunity until a favorable outcome is achieved. The international community should encourage groups believed to have information on this case to come forward. The legislation urges that all the appropriate information obtained should be turned over in a timely basis to the New Tribes Mission crisis response team.

Most importantly, the resolution proposes that the President of the United States and the Secretary of State offer reward money for information leading to the release of Mark, David and Rick. President Clinton should also encourage the cooperation of newly-elected Colombian President Pastrana to assist in the publication of the reward information. Without cooperation between our two governments, we may never see the return of these men to their families in the United States.

There are indications that Mr. Rich, Mr. Mankins, and Mr. Tenenoff have been held in Colombia for over five years; therefore, they would be the longest held American hostages in Colombia. The United States government should do all it can to protect its citizens against terrorist acts; I therefore urge my colleagues to join me in supporting adoption of this resolution.•

SENATE RESOLUTION 275—EXPRESSING THE SENSE OF THE SENATE THAT OCTOBER 11, 1998, SHOULD BE DESIGNATED AS "NATIONAL CHILDREN'S DAY"

Mr. GRAHAM (for himself, Mr. CRAIG, Mr. CAMPBELL, and Mr. BURNS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 275

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth and to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family and society;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas children are the responsibility of all Americans and everyone should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that October 11, 1998, should be designated as "National Children's Day"; and

(2) the President is requested to issue a proclamation calling upon the people of the United States to observe "National Children's Day" with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED

CONSUMER BANKRUPTCY REFORM ACT OF 1998

D'AMATO AMENDMENT NO. 3560

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. ___. PROHIBITION OF CERTAIN ATM FEES.

(a) DEFINITION.—Section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(12) the term 'electronic terminal surcharge' means a transaction fee assessed by a financial institution that is the owner or operator of the electronic terminal; and

"(13) the term 'electronic banking network' means a communications system linking financial institutions through electronic terminals.".

(b) CERTAIN FEES PROHIBITED.—Section 905 of the Electronic Fund Transfer Act (12 U.S.C. 1693c) is amended by adding at the end the following new subsection:

"(d) LIMITATION ON FEES.—With respect to a transaction conducted at an electronic terminal, an electronic terminal surcharge may not be assessed against a consumer if the transaction—

"(1) does not relate to or affect an account held by the consumer with the financial institution that is the owner or operator of the electronic terminal; and

"(2) is conducted through a national or regional electronic banking network.".

ABRAHAM AMENDMENT NO. 3561

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1301, supra; as follows:

On p. 68, line 17, strike "." and insert the following: "unless the court, on request of the Debtor or Trustee and after notice and hearing, finds upon a showing supported by the preponderance of the evidence that: (A) the consideration paid by the Debtor in the transaction that supports the allowed claim was so disproportionate to the consideration received by the Debtor so as to render the transaction rescindable by the Debtor under applicable non-bankruptcy law, or (B) the transaction is rescindable by the Debtor under applicable non-bankruptcy law based on fraud or misrepresentation.".

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

GLENN AMENDMENT NO. 3562

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill (S. 2337) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes; as follows:

On page 11, line 1, strike "$624,019,000" and insert "$625,019,000".

On page 11, line 2, after "herein," insert the following: "of which at least $3,192,000 of the amounts made available for fish and wildlife management within the fisheries account shall be made available for aquatic nuisance control,".

On page 77, line 5, strike "$353,840,000" and insert "$352,840,000".

On page 77, line 10, before the colon, insert the following: ", of which $124,887,000 shall be made available for road reconstruction and construction activities".

THE OLYMPIC AND AMATEUR SPORTS ACT AMENDMENTS OF 1998

McCAIN AMENDMENT NO. 3563

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill (S. 2119) to amend the Amateur Sports Act to strengthen provisions protecting the right of athletes to compete, recognize the Paralympics and growth of disabled sports, improve the U.S. Olympic Committee's ability to resolve certain disputes, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the committee amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Olympic and Amateur Sports Act Amendments of 1998".

SEC. 2. AMENDMENT OF TITLE 36, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 36, United States Code.

SEC. 3. DEFINITIONS.

Section 220501 is amended by—

(1) inserting "or paralympic sports organization" after "national governing body" in paragraph (1);

(2) redesignating paragraph (7) as paragraph (8); and

(3) inserting after paragraph (6) the following:

"(7) 'paralympic sports organization' means an amateur sports organization which is recognized by the corporation under section 220521 of this title.".

SEC. 4. PURPOSES.

Section 220503 is amended by—

(1) striking "Olympic Games" each place it appears in paragraphs (3) and (4) and inserting "Olympic Games, the Paralympic Games,"; and

(2) striking paragraph (13) and inserting the following:

"(13) to encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes; and".

SEC. 5. MEMBERSHIP.

Section 220504(b) is amended by—

(1) striking paragraphs (1) and (2) and inserting the following:

"(1) amateur sports organizations recognized as national governing bodies and paralympic sports organizations in accordance with section 220521 of this title, including through provisions which establish and maintain a National Governing Bodies' Council composed of representatives of the national governing bodies and any paralympic sports organizations and selected by their boards of directors or such other governing boards to ensure effective communication between the corporation and such national governing bodies and paralympic sports organizations;

"(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding 10 years, including through provisions which—

"(A) establish and maintain an Athletes' Advisory Council composed of, and elected by, such amateur athletes to ensure communication between the corporation and such amateur athletes; and

"(B) ensure that the membership and voting power held by such amateur athletes is not less than 20 percent of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation;"; and

(2) inserting a comma and "the Paralympic Games," after "Olympic Games" in paragraph (3).

SEC. 6. POWERS.

(a) GENERAL CORPORATE POWERS.—Section 220505(b)(9) is amended by striking "sued; and" and inserting "sued, except that any civil action brought in a State court against the corporation shall be removed, at the request of the corporation, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or citizenship of the parties involved, and except that neither this paragraph nor any other provision of this chapter shall create a private right of action under this chapter; and".

(b) POWERS RELATED TO AMATEUR ATHLETICS AND THE OLYMPIC GAMES.—Section 220505(c) is amended by—

(1) striking "Organization;" in paragraph (2) and inserting "Organization and as its national Paralympic committee in relations with the International Paralympic Committee;";

(2) striking "Games and of" in paragraph (3) and inserting "Games, the Paralympic Games, and";

(3) striking "Games;" in paragraph (4) and inserting "Games, or as paralympic sports organizations for any sport that is included on the program of the Paralympic Games;"; and

(4) striking "Games," in paragraph (5) and inserting "Games, the Pan-American Games, the Pan-American world championship competition,".

SEC. 7. USE OF OLYMPIC, PARALYMPIC, AND PAN-AMERICAN SYMBOLS.

Section 220506 is amended by—

(1) striking "rings;" in subsection (a)(2) and inserting "rings, the symbol of the International Paralympic Committee, consisting of 3 TaiGeuks, or the symbol of the Pan-American Sports Organization, consisting of a torch surrounded by concentric rings";

(2) inserting "'Paralympic', 'Paralympiad', 'Pan-American', 'America Espirito Sport Fraternite,'" before "or any combination" in subsection (a)(4);

(3) inserting a comma and "International Paralympic Committee, the Pan-American Sports Organization," after "International Olympic Committee" in subsection (b);

(4) inserting "the Paralympic team," before "or Pan-American team" in subsection (b);

(5) inserting a comma and "Paralympic, or Pan-American Games" after "any Olympic" in subsection (c)(3);

(6) inserting a comma and "the International Paralympic Committee, the Pan-American Sports Organization," after "International Olympic Committee" in subsection (c)(4);

(7) inserting "AND GEOGRAPHIC REFERENCE" after "PRE-EXISTING" in subsection (d); and

(8) adding at the end of subsection (d) the following:

"(3) Use of the word 'Olympic' to identify a business or goods or services is not prohibited by this section where it is evident from the circumstances that the use of the word 'Olympic' refers to the geographical features or a region of the same name, and not a connection with the corporation or any Olympic activity.";

SEC. 8. RESOLUTION OF DISPUTES.

Section 220509 is amended by—

(1) inserting "(a) GENERAL.—" before "The corporation";

(2) inserting "the Paralympic Games," before "the Pan-American Games";

(3) inserting after "the corporation." the following: "In any lawsuit relating to the resolution of a dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, or the Pan-American Games, a court shall not grant injunctive relief against the corporation within 21 days before the beginning of such games if the corporation, after consultation with the chair of the Athletes' Advisory Council, has provided a sworn statement in writing executed by an officer of the corporation to such court that its constitution and bylaws cannot provide for the

resolution of such dispute prior to the beginning of such games."; and

(4) adding at the end thereof the following:

"(b) OMBUDSMAN.—

"(1) The corporation shall hire and provide salary benefits and administrative expenses for an ombudsman for athletes, who shall—

"(A) provide independent advice to athletes at no cost about the applicable provisions of this chapter and the constitution and bylaws of the corporation, national governing bodies, paralympic sports organizations, international sports federations, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization, and with respect to the resolution of any dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition or other protected competition as defined in the constitution and bylaws of the corporation;

"(B) assist in mediating any such disputes; and

"(C) report to the Athletes' Advisory Council on a regular basis.

"(2)(A) The procedure for hiring the ombudsman for athletes shall be as follows:

"(i) The Athletes' Advisory Council shall provide the corporation's executive director with the name of one qualified person to serve as ombudsman for athletes.

"(ii) The corporation's executive director shall immediately transmit the name of such person to the corporation's executive committee.

"(iii) The corporation's executive committee shall hire or not hire such person after fully considering the advice and counsel of the Athletes' Advisory Council.

If there is a vacancy in the position of the ombudsman for athletes, the nomination and hiring procedure set forth in this paragraph shall be followed in a timely manner.

"(B) The corporation may terminate the employment of an individual serving as ombudsman for athletes only if—

"(i) the termination is carried out in accordance with the applicable policies and procedures of the corporation;

"(ii) the termination is initially recommended to the corporation's executive committee by either the corporation's executive director or by the Athletes' Advisory Council; and

"(iii) the corporation's executive committee fully considers the advice and counsel of the Athletes' Advisory Council prior to deciding whether or not to terminate the employment of such individual.".

SEC. 9. AGENT FOR SERVICE OF PROCESS.

The text of section 220510 is amended to read as follows:

"As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall have a designated agent in the State of Colorado to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation.".

SEC. 10. REPORT.

(a) Section 220511(a) is amended to read as follows:

"(a) SUBMISSION TO PRESIDENT AND CONGRESS.—The corporation shall, on or before the first day of June, 2001, and every fourth year thereafter, transmit simultaneously to the President and to each House of Congress a detailed report of its operations for the preceding 4 years, including—

"(1) a complete statement of its receipts and expenditures;

"(2) a comprehensive description of the activities and accomplishments of the corporation during such 4-year period;

"(3) data concerning the participation of women, disabled individuals, and racial and ethnic minorities in the amateur athletic activities and administration of the corporation and national governing bodies; and

"(4) a description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities.".

(b) The chapter analysis for chapter 2205 is amended by striking the item relating to section 220511 and inserting the following:

"220511. Report.".

SEC. 11. COMPLETE TEAMS.

(a) GENERAL.—Subchapter I of chapter 2205 is amended by adding at the end thereof the following:

"§ 220512. Complete teams

"In obtaining representation for the United States in each competition and event of the Olympic Games, Paralympic Games, and Pan-American Games, the corporation, either directly or by delegation to the appropriate national governing body or paralympic sports organization, may select, but is not obligated to select (even if not selecting will result in an incomplete team for an event), athletes who have not met the eligibility standard of at least one of the national governing body, the corporation, the International Olympic Committee, or the appropriate international sports federation, when the number of athletes who have met the eligibility standard of at least one of such entities is insufficient to fill the roster for an event.".

(b) The chapter analysis for chapter 2205 is amended by inserting after the item relating to section 220511 the following:

"220512. Complete teams.".

Section 220521 is amended by—

(1) striking the first sentence of subsection (a) and inserting the following: "For any sport which is included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games, the corporation is authorized to recognize as a national governing body (in the case of a sport on the program of the Olympic Games or Pan-American Games) or as a paralympic sports organization (in the case of a sport on the program of the Paralympic Games for which a national governing body has not been designated under subsection (e)) an amateur sports organization which files an application and is eligible for such recognition in accordance with the provisions of subsections (b) or (e) of this section.";

(2) striking "approved." in subsection (a) and inserting "approved, except as provided in subsection (e) with respect to a paralympic sports organization.";

(3) striking "hold a public hearing" in subsection (b) and inserting "hold at least 2 public hearings";

(4) striking "hearing." each place it appears in subsection (b) and inserting "hearings."; and

(5) adding at the end of subsection (b) and following: "The corporation shall send written notice, which shall include a copy of the application, at least 30 days prior to the date of any such public hearing to all amateur sports organizations known to the corporation in that sport.".

SEC. 13. ELIGIBILITY REQUIREMENTS.

Section 220522 is amended by—

(1) inserting "(a) GENERAL.—" before "An amateur";

(2) striking paragraph (4) and inserting the following:

"(4) agrees to submit to binding arbitration in any controversy involving—

"(A) its recognition as a national governing body, as provided for in section 220529 of this title, upon demand of the corporation; and

"(B) the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, conducted in accordance with the Commercial Rules of the American Arbitration Association, as modified and provided for in the corporation's constitution and bylaws, upon demand of the corporation or any aggrieved amateur athlete, coach, trainer, manager, administrator or official,

If the Athletes' Advisory Council and National Governing Bodies' Council do not concur on any modifications to such Rules, and if the corporation's executive committee is not able to facilitate such concurrence, the Commercial Rules of Arbitration shall apply unless at least two-thirds of the corporation's board of directors approves modifications to such Rules;";

(3) striking paragraph (10) and inserting the following:

"(10) demonstrates, based on guidelines approved by the corporation, the Athletes' Advisory Council, and the National Governing Bodies' Council, that—

"(A) its board of directors and other such governing boards have established criteria and election procedures for and maintain among their voting members individuals who are actively engaged in amateur athletic competition in the sport for which recognition is sought or who have represented the United States in international amateur athletic competition within the preceding 10 years; and

"(B) any exceptions to such guidelines by such organization have been approved by the corporation, and that the voting power held by such individuals is not less than 20 percent of the voting power held in its board of directors and other such governing boards;"; and

(4) inserting "or to participation in the Olympic Games, the Paralympic Games, or the Pan-American Games" after "amateur status" in paragraph (14); and

(5) adding at the end thereof the following:

"(b) RECOGNITION OF PARALYMPIC SPORTS ORGANIZATIONS.—For any sport which is included on the program of the Paralympic Games, the corporation is authorized to designate, where feasible and when such designation would serve the best interest of the sport, and with the approval of the affected national governing body, a national governing body recognized under subsection (a) to govern such sport. Where such designation is not feasible or would not serve the best interest of the sport, the corporation is authorized to recognize another amateur sports organization as a paralympic sports organization to govern such sport, except that, notwithstanding the other requirements of this chapter, any such paralympic sports organization—

"(1) shall comply only with those requirements, perform those duties, and have those powers that the corporation, in its sole discretion, determines are appropriate to meet the objects and purposes of this chapter; and

"(2) may, with the approval of the corporation, govern more than one sport included on the program of the Paralympic Games.".

SEC. 14. AUTHORITY OF NATIONAL GOVERNING BODIES.

Section 220523 is amended by—

(1) striking "Games and" in paragraph (6) and inserting "Games, the Paralympic Games, and"; and

(2) striking "Games and" in paragraph (7) and inserting "Games, the Paralympic Games, and".

SEC. 15. DUTIES OF NATIONAL GOVERNING BODIES.

Section 220524 is amended by—

(1) redesignating paragraphs (4) through (8) as paragraphs (5) through (9); and

(2) inserting after paragraph (3) the following:

"(4) disseminate and distribute to amateur athletes, coaches, trainers, managers, administrators, and officials in a timely manner the applicable rules and any changes to such rules of the national governing body, the corporation, the appropriate international sports federation, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization;".

SEC. 15. REPLACEMENT OF NATIONAL GOVERNING BODY.

Section 220528 is amended by—

(1) striking "Olympic Games or both" in subsection (c)(1)(A) and inserting "Olympic Games or the Paralympic Games, or in both";

(2) striking "registered" in subsection (c)(2) and inserting "certified";

(3) striking "body." in subsection (c)(2) and inserting "body and with any other organization that has filed an application.';

(4) inserting "open to the public" in subsection (d) after "formal hearing" in the first sentence;

(5) inserting after the second sentence in subsection (d) the following: "The corporation also shall send written notice, including a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the corporation in that sport."; and

(6) striking "title." in subsection (f)(4) and inserting "title and notify such national governing body of such probation and of the actions needed to comply with such requirements.".

SEC. 16. SPECIAL REPORT TO CONGRESS.

Five years from the date of the enactment of this Act, the United States Olympic Committee shall submit a special report to the Congress on the effectiveness of the provisions of chapter 2205 of title 36, United States Code, as amended by this Act, together with any additional proposed changes to that chapter the United States Olympic Committee determines are appropriate.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, September 10, 1998. The purpose of this meeting will be to consider the nomination of Michael Reyna to be a member of the Farm Credit Administration Board.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 10, 1998, at 9:30 a.m. on international satellite reform.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to conduct a meeting to receive testimony on S. 2385, a bill to establish the San Rafael Swell National Heritage Area and the San Rafael National Conservation Area in the State of Utah during the session of the Senate on Thursday, September 10, 1998, at 2 p.m. in Room SD-366.

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

COMMITTEE ON FINANCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, September 10, 1998 beginning at 10 a.m. in room SD-215, to conduct a markup.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 10, 1998 at 10 a.m. and 2 p.m. to hold two hearings.

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

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 10, 1998, to be immediately following the 12 o'clock vote, off the floor, in room S216, the Presidents room of the United States Capitol Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be granted permission to conduct a meeting to mark up S. 2288, the Wendell H. Ford Government Publications Act of 1998 during the session of the Senate on Thursday, September 10, 1998 at 9:30 a.m. in room SR-301.

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

SPECIAL COMMITTEE ON AGING

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on September 10, 1998 at 9 a.m. to 4 p.m. in Dirksen 628 for the purpose of conducting a hearing and forum.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 10, 1998, at 2 p.m., in room 226 of the Senate Dirksen Office Building.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent on behalf of the Permanent Subcommittee on Investigations of the Governmental Affairs Committee to meet on Thursday, September 10, 1998, at 9:30 a.m. for a hearing on the topic of "The Safety of Food Imports: Fraud and Deception In the Food Import Process."

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

ADDITIONAL STATEMENTS

TRIBUTE TO HANNIBAL-LAGRANGE COLLEGE

• Mr. BOND. Mr. President, I rise today to pay tribute to Hannibal-LaGrange College in Hannibal, Missouri. On September 15, 1998, the Hannibal-LaGrange College will celebrate its 140th anniversary. This is especially significant considering the college's first seventy years were spent in LaGrange and the second seventy have been spent in Hannibal.

Hannibal-LaGrange College offers an excellent liberal arts education and throughout the years has grown, not only in number, but in opportunities available for students. Today the college offers more than thirty areas of study, night programs for working adults, eight intercollegiate sports teams and four traveling performance groups.

I commend Hannibal-LaGrange College staff and students for their dedication and perseverance throughout the college's many years of existence and hope they continue to enrich the Hannibal community for years to come.•

THE SECOND ANNUAL CHICAGO FOOTBALL CLASSIC

• Ms. MOSELEY-BRAUN. Mr. President, I would like to take a few minutes today to bring to the attention of the Senate an event that will take place this weekend in my hometown of Chicago. That event, the Second Annual Chicago Football Classic, celebrates the rich academic, cultural and athletic tradition of historically Black colleges and universities.

The Chicago Football Classic will take place this year at Chicago's Soldier Field on Saturday, September 12, 1998. This year's competition pits Alcorn State University against Virginia State University in what promises to be an exciting and hard-fought gridiron battle.

Although the football game is the centerpiece of the event, the Chicago Football Classic is about so much more. Begun last year, the Chicago Football Classic was created by Chicago area businessmen to spread the word within the African-American community about the tremendous opportunities available at historically Black colleges and universities. Aside from the game, the Classic features a spectacular halftime battle of the bands; a luncheon honoring Dr. Clinton Bristow, Jr. and Dr. Eddie N. Moore, presidents of Alcorn State University and Virginia State University, respectively; and a parade in historic Grant Park featuring the Virginia State Marching Marauders and the Alcorn State Sounds of Dynomite.

Mr. President, I am sure that the members of this body are well aware of the proud legacy and stunning achievements of our nation's historically Black colleges. Nonetheless, I would be remiss if in talking about the Chicago Football Classic, I failed to mention that our nation's historically Black colleges and universities have promoted academic excellence for over 130 years. Although they represent only 3 percent of all U.S. institutions of higher learning, historically Black colleges and universities graduate fully 33 percent of all African-Americans with bachelor's degrees and 43 percent of all African-Americans who go on to earn their Ph.D.'s.

As so eloquently stated in Fisk University's original charter, historically Black colleges and universities have measured themselves "by the highest standards, not of Negro education, but of American education at its best."

Throughout their history, historically Black colleges and universities have produced some of our nation's most distinguished leaders, including the late Dr. Martin Luther King, Jr., the late Supreme Court Justice Thurgood Marshall, and several current U.S Representatives. These institutions have distinguished themselves in the field of higher education over the years by maintaining the highest academic standards while increasing educational opportunities for economically and socially disadvantaged Americans, including tens of thousands of African-Americans.

In Virginia State University and Alcorn State University, the Chicago Football has chosen two exceptional universities to participate in this years festivities. Alcorn State, located in Loman, Mississippi, arose from the ashes of the Civil War in 1871 with eight faculty members and 179 mostly male local students. Today, Alcorn State has grown to a population of 3,000 students from all over the world and 500 faculty and staff members. Virginia State University was founded in 1882 in Petersburg, Virginia with 126 students and seven faculty members. One hundred years later in 1982, the University was fully integrated, with a student body of nearly 5,000 and a full-time faculty of about 250.

Mr. President, both of these schools have a historical connection to the United States Congress. The first president of Virginia State, John Mercer Langston, was the only African-American ever elected to the United States Congress from Virginia until the election of Congressman Robert Scott in 1992. Former Senator Hiram Revels of Mississippi, the first African-American elected to the United States Senate, resigned his seat in this body to become the first president of Alcorn State.

Certainly, in mentioning these few facts about Alcorn State and Virginia State Universities, I have only scratched the surface of the proud history, academic excellence, and abundant opportunities that historically Black colleges and universities have to offer.

I salute the organizers, participants, and fans of the Chicago Football Classic for coming together to celebrate historically Black colleges and universities. In the words of Tim Rand, the Executive Director of the Chicago Football Classic: "It offers young people an opportunity to witness the rich cultural heritage of Black colleges and universities." I am proud that Chicago has been chosen as the venue for this important and exciting event.

In closing, I would like to welcome the students, athletes, fans and alumni of Virginia State and Alcorn State to Illinois, and wish both teams good luck in Saturday's game. I know my colleagues here in the Senate join me in my praise of the Chicago Football Classic and in my gratitude and respect for our nation's historically Black colleges and universities.●

TRIBUTE TO LEROY "LEE" LOCHMANN

● Mr. LUGAR. Mr. President, I rise today to pay tribute to Leroy "Lee" Lochmann, the recently retired President and CEO of ConAgra's Refrigerated Foods Companies. Over a forty-five-year career in the meat and poultry industry, Lee's leadership skills have made him a pioneer in the food business.

In 1953, Lee joined Swift and Company directly out of high school, working on the line in an East St. Louis meat packing plant. From these early years, Lee moved through numerous management positions, finally ascending to key executive ranks. He ultimately became President of Swift and Company, the first of many—and increasingly large—meat and poultry companies that Lee would eventually run.

In addition, along the way, Lee accumulated two university degrees and served his country in the military for three years.

Lee's hardworking beginnings have given him a unique perspective as a food industry leader and have allowed him to effectively manage his employees, from the most junior line worker to the most senior corporate manager.

At ConAgra, one of the world's largest food companies, Lee used his experience to expand its diversified Refrigerated Foods Companies. As president, CEO and member of the Office of the Chairman, Lee oversaw multibillion dollar businesses, provided a secure place of employment for thousands of hard-working employees and wonderful food products for American consumers. While consumers would not recognize the name of Lochmann, the products that he produced are an integral part of our daily diets: Armour hot dogs, Healthy Choice luncheon meats, Butterball turkeys, Swift Premium bacon and Eckrich sausages.

Mr. President, many ConAgra employees are constituents of mine in Indiana, and we know first-hand the significant role the company plays in my state's economy and our country's agricultural industries.

Lee was not only a leader at ConAgra, he was an industry trader, as well. A long term Director of the American Meat Institute, Lee's peers paid this fine gentleman a well-deserved tribute by electing him Chairman of the industry's National Trade Association in 1992.

Mr. President, it is my great pleasure to pay tribute to Lee Lochmann, and I wish him, his wife Agnes and their family the best in all of their future endeavors.●

CONGRATULATIONS TO SEARCHLIGHT'S WOMAN OF THE DECADE, MRS. VERLIE DOING

● Mr. REID. Mr. President, I rise today to pay tribute to Mrs. Verlie Doing, an outstanding woman who will receive a distinguished honor when she is named Searchlight, Nevada's, Woman of the Decade in October. This particular tribute is one I hold especially dear, as it is being given to a woman who has helped make my hometown the unique community it is today.

Founded by those in search of gold, Searchlight began as a mining town. It is a strangely quiet place, not really mentioned in the tales of Nevada history. However, this is my home, and Verlie Doing has helped to establish it as a beating heart in the once silent land found south of Las Vegas.

Mrs. Doing relocated to Searchlight with her husband, Warren, in 1967.

Since that time, she has been active in organizing community activities as well as providing employment for the majority of families living in the area. Upon settling in Searchlight, Mrs. Doing assumed a position on the Searchlight Town Advisory Board and began her legacy of work. She is an original member of the town's Emergency Medical Treatment team, as well as the Searchlight Museum Guild. She has served on the Clark County Parks and Recreation Board since 1970, establishing areas for children and adults alike to not only enjoy the many splendors of Nevada's scenery, but to partake of beneficial recreation programs.

As a member of the Parks and Recreation Board, Verlie has seen first hand the need for centers where people can participate in community activities. For this reason, she and her husband donated to the city the land for the Searchlight Senior Citizen Center. Currently, this center offers seniors an opportunity to socialize and continue their education through arts and crafts and exercise. Day care and food programs are among the most important offered at the center and provide assistance to those seniors who may otherwise be institutionalized.

Not only has Mrs. Doing been energetically involved in community activities, she has also helped to foster Searchlight's business community. Currently, Mrs. Doing is serving as the sole owner of the Searchlight Nugget Casino, the largest employer in the city. Established in 1979, the Nugget has increased not only employment, but has aided in boosting the economy. She has employed hundreds of Searchlight residents, providing many families with incomes where, without the casino, there would be none. It is this entrepreneurial spirit that has brought vitality into both the business community and the entire town.

Most of all, my family and I have been friends of Verlie, her late husband, Warren, and their son, Riley, for more than thirty years. The Doings have made not only Searchlight a better place, but Nevada and our great country as well.

I commend Verlie on her significant contributions to my hometown. Without her enthusiasm, energy and love for her home, Searchlight would be much less. It is for these reasons that I proudly support the decision of the Searchlight Celebration Committee in their selection of Mrs. Verlie Doing as Searchlight's Woman of the Decade.•

GREAT MINDS, SMART GIVING

• Mr. ABRAHAM. Mr. President, I rise today to call my colleagues' attention to an article by Dr. Samuel J. LeFrak, entitled "Great Minds, Smart Giving" from the May/June 1998 issue of Philanthropy magazine. LeFrak is chairman of the Lefrak Organization and has been honored for his many years of philanthropic giving.

Recently, through the LeFrak Foundation, Dr. LeFrak has done something incredible for the state of Michigan. Concerned that an emphasis on traditional liberal education at America's colleges and universities is diminishing, LeFrak chose to endow the LeFrak Forum at Michigan State University. This program focuses on political philosophy and public policy, helping professors to teach with an emphasis on traditional Western ideas. The Forum will accomplish this through lectures, conferences, research, publications and fellowships. The students of Michigan State University are very fortunate to have such a wonderful program and will undoubtedly benefit from it.

As we continue our efforts as a nation to raise our children to be truly educated adults, imbued with the values of our traditions and the bases of well-ordered liberty, I feel we can look to the LeFrak Forum as an excellent model. I ask that the text of "Great Minds, Smart Giving" be printed in the RECORD.

The text follows:

GREAT MINDS, SMART GIVING—A NOTED PHILANTHROPIST ON RECLAIMING ACADEME

(By Samuel LeFrak

When my wife Ethel and I began discussing a major gift to an academic institution, we wanted to do something new and off the beaten track of bricks-and-mortar, scholarships, and endowed chairs. We also talked at length about the problems of higher education and how we might help to solve them. Our grandsons, Harrison and James, were just finishing college and from them we had a pretty clear idea of the dismal state of today's campus landscape. Both reported that the news about political correctness and multiculturalism is largely true. While it is surely an exaggeration to say that the traditional liberal arts curriculum is gone, it is true that an entire generation of graduate and undergraduate students is being trained to a drumbeat critical of the Western tradition as racist, sexist, homophobic, hegemonic, Euro-centric, and rationalistic (a vice, it now seems!). The path to academic success is definitely smoother for those who adhere to this fashionable view. The graduate students are, of course, the professorate of the future and the teachers of the coming generation of leaders in politics and business. What happens in the seminar room, no matter how bizarre or arcane, eventually makes its way to the boardroom.

Now, Ethel and I have the deepest respect for the great books and ideas of the Western tradition. If that tradition is so bad, how is it that we have from it—and only from it—democracy, capitalism, the ideals of freedom, equality of opportunity, and the dignity of the individual? To us it would be nothing short of a catastrophe for this great tradition to disappear as the focal point of a liberal education. Yet the traditional curriculum definitely is on the defensive these days: we hear of English departments where Shakespeare is no longer required and history departments that teach nothing about America. The faculty at Yale could not bring itself to live up to the terms of a generous gift intended for new courses on the Western tradition, and had to return the money—with interest. So it seemed appropriate that we use a LeFrak Foundation gift to help assure the survival and vitality of traditional liberal education.

Ethel and I had been to Michigan State University a few years earlier, when I had been awarded an honorary degree. While there, we met a group of scholars of political philosophy in the political science department. These professors are very accomplished: they have fine graduate degrees, are good and popular teachers, and have impressive records of research and publication. But they are also steeped in and respectful of the Western tradition and, unlike many professors in the social sciences and humanities, respectful of entrepreneurial capitalism and free-market solutions to social problems. After prolonged discussions involving these professors, Ethel and me, and my grandson, Harrison, we decided to endow a program: the LeFrak Forum at Michigan State University. Endowing a program—rather than a building or a chair—met the criterion of establishing a new and vital entity. The aims and activities of the Forum met the criterion of doing something to help traditional scholars hold their own against the current academic tides.

The LeFrak Forum's theme is political philosophy and public policy. The word "philosophy" often signifies airy abstraction unconnected with the real world. But at the LeFrak Forum, the idea is that much of what people think about practical affairs is determined ultimately by deeply embedded and barely conscious beliefs about what is good and bad, just and unjust. The LeFrak Forum will approach pressing and concrete issues by exposing the underlying and philosophical foundations of conflict. The Forum will always remind us that these foundations are not just derived out of nowhere, even though most people—and increasingly more scholars and students—don't know where they come from. We get them—and hence the very terms of our debates and differences—from the historical tradition of Western thought. The Forum will not insist on agreement. Rather, it will strive to expose the real grounds upon which we disagree about such practical matters as how big government should be, whether a person is first an individual or a member of a group, and whether America should mind its own business or police the world.

The Forum pursues its mission by sponsoring an array of activities: lecture series and international conferences, research and publication, post-doctoral research fellowships, and enriched graduate and undergraduate education. The aim is to enliven, deepen, and diversify debate on campus and to provide fresh views on public policy to those who lead in politics and society and to those who form or influence public opinion. But most important, the LeFrak Forum ensures that at Michigan State the Western tradition will always be studied and that free-market points of view toward the solutions to social problems will always get a fair hearing. But what about this "always"? It is one thing to help scholars or a curriculum one knows. In fact, it's important to know the people involved so the gift gets used for the purpose you intend. But it's quite another thing to have confidence that the program one endows will continue long after the people one knows are gone. This has to be a serious concern for any donor who gives a permanent endowment to a program or particular curriculum. Buildings and endowed chairs are pretty stable. But

programs can easily change over time and even become the opposite of what they were at the outset. Solving this problem was very important to us. The solution was unique and, we hope, a model for what others can and should do. The terms of the endowment agreement were tailored to ensure that the purposes and spirit of the LeFrak Forum would always be maintained. There were two crucial issues.

First, it was important to spell out the meaning of the LeFrak Forum's goals in concrete detail. To this end the agreement stipulates that free-market points of view must always get a fair hearing in LeFrak Forum activities. The agreement says that the Forum must always provide a venue for arguments in favor of "liberty and free enterprise capitalism and the study of the Western philosophic and intellectual tradition, especially as it establishes the moral and conceptual basis for constitutional democracy, limited government, the American Founding, individualism, freedom of expression and economic enterprise, and entrepreneurial and market based approaches to national and global political and social problems." And lest there be any uncertainty about what the "Western tradition" really is, the agreement actually lists the specific authors on whose works LeFrak Forum teaching and research must focus. They are: "such thinkers as Plato, Aristotle, Aquinas, Machiavelli, Bacon, Hobbes, Locke, Rousseau, Hume, Kant, Adam Smith, Burke, the American Founders (Jefferson, Hamilton, Madison, Jay, Adams), de Tocqueville, Hegel, Mill, Nietzsche, Weber, Heidegger, and Strauss." This list is of course not exhaustive; but no one could mistake who must always matter the most at the LeFrak Forum.

Second, it was essential to assure full academic freedom and autonomy as those values are understood by the relevant university officials. Donors to programs must understand this concern. It does no good to exert positive influence on the university curriculum by threatening academic freedom. Such attempts will not and should not succeed. Furthermore, it does no good to one's own cause to set up programs in which the converted speak only to their respective choirs. That's the very problem on campus these days: not enough real intellectual diversity, not enough respect for all points of view, too much lemming-like adherence to fads. The agreement therefore specifies explicitly that "all points of view can and will be presented at the LeFrak Forum." Critics of the Western tradition and capitalism will have their say. They just won't go unchallenged. And finally, it should be noted that while the agreement provides for our advice, it makes absolutely clear that appointment and review of LeFrak Forum personnel is determined by appropriate academic officers of the University. Donors must never try to appoint professors to their programs. That would violate institutional autonomy.

Ethel and I are proud of the Forum, which is now in business and off to a wonderful start. We're sure that it will prosper and grow, make a real contribution to education at Michigan State, and be a significant voice in national and international policy debates. We hope that other philanthropists will follow our lead and the model of the LeFrak Forum. We hope they will endow programs that support education in our precious Western tradition.•

HONORING MONSIGNOR HENRY J. DZIADOSZ

• Mr. DODD. Mr. President, it is with great pleasure that I come to the Senate floor to pay tribute to a man of uncommon character and faith, whom I am fortunate to call a friend: Monsignor Henry J. Dziadosz. For almost three decades, Monsignor Dziadosz has served as the Pastor at St. Bridget's of Kildare Church in Moodus, Connecticut, of which I am a member. And for half a century, he has inspired countless people through his works as a Catholic Priest in Connecticut. After his many years of service and guidance, Monsignor Dziadosz is retiring, and I wish to offer my praise for the Monsignor on this special occasion.

Monsignor Dziadosz is a spiritual father for the parishioners of St. Bridget's, and he has overseen the transformation of the church—both physically and spiritually.

On Easter Sunday, 1971, two years after being named the Pastor, he announced the proposed restoration and renovation of the congregation's original church: Old St. Bridget's on North Moodus Road. The church had been the home of Catholic worshipers from 1867 to 1958, and Monsignor believed that its preservation would serve as a monument to the perseverance of its parishioners. With the help of many volunteers, the old church was dedicated on Memorial Day 1971, and the renovation was known as the "Miracle of Moodus."

He also oversaw the construction of an outdoor pavilion at the church in 1976. And in a show of the Monsignor's dedication to the improvement of religious education, the church opened its Religious Education Center in 1983.

But the true impact that Monsignor Dziadosz had on St. Bridget's parish is not measured in mortar and brick, it is measured in the spirit of the congregation.

Monsignor has always said that one of his goals at the church was to create a spirit of community where no member of the parish would ever feel alone, either in times of despair or happiness. He knows that we all face challenges in our life, and when we support one another we can work through our difficulties and overcome them. Through his hard work and dedication, he was able to create such a spirit of togetherness at St. Bridget's, and for that, I and many others are thankful.

He brought an energetic approach to the church, and he was not afraid to challenge convention in order to do what he felt was best for the congregation. He always taught the virtues of tolerance and worked to break down barriers and bring people together. He also challenged people to ask more from themselves and to show more concern and compassion for those persons in the community and the world who are less fortunate.

He also felt that St. Bridget's should not only serve the parish, but the community at large. He opened the doors of the church for members of local protestant delegations to hold their worship services. He also allowed senior groups and other organizations to use church facilities. He even had a generator installed on the church premises so that the church may serve as a haven in case of emergencies or natural disasters. In addition, he singlehandedly raised $50,000 for the construction of a chapel and convent for the cloistered Carmelite sisters of Roxas City, the Philippines, proving that his compassion and concern for others extends far beyond any physical borders.

On the occasion of his retirement, I think it is appropriate to look back at some of the words that Monsignor Dziadosz spoke at the time that the parish celebrated his 25th year at St. Bridget's. He said, "We can never say we've done it, we've reached our goal."

In certain respects he's right, because life is an ongoing process, and our goals are constantly changing. But, in the end, I think that anyone who knows Monsignor Dziadosz would say that he's wrong. Monsignor Dziadosz not only reached his goals, he exceeded them.

His retirement is a time of great loss for the parish, but more important, it is a time for celebration. His words and actions have been a source of inspiration and strength for countless individuals through the years, and his guidance will be dearly missed. On behalf of the people of St. Bridget's and the people of Connecticut, I say thank you Monsignor, and may God bless you.•

TRIBUTE TO KIRK O'DONNELL

• Mr. KERRY. Mr. President, this morning I joined Senator KENNEDY and hundreds of mourners from Massachusetts and around the country, to pay our last respects to our friend Kirk O'Donnell and to offer our sincere condolences to Kirk's wife, Kathy, and their two children, Holly and Brendan. For all of us who knew and admired Kirk, this was a difficult morning at the Holy Name Church in West Roxbury, difficult to say goodbye to a special friend who left us too soon. But Mr. President, I believe everyone in attendance this morning at the funeral services took some comfort in the way that friends and family alike—and Kirk had both many friends and a tight-knit family—came together to share our personal recollections of Kirk. It was striking to see just how deeply everyone respected Kirk O'Donnell, the many ways in which he touched so many lives.

Kirk O'Donnell made a deep impact on those who knew him, certainly, but he also made a difference for millions of people in this country who never met him, but whose lives are better because of his life of committed service.

Three articles in today's newspapers, one by Al Hunt of the Wall Street Journal, another by Tom Oliphant of the Boston Globe and yet another by Susan Estrich of the Boston Herald, stood out in my mind as testimony to the legacy Kirk O'Donnell left behind in this country. Al Hunt, Tom Oliphant, and Susan Estrich knew Kirk O'Donnell as a friend and they performed a great service in capturing Kirk's essence, the depth of a man who never stopped fighting for those causes in which he believed. I know that, as we all say goodbye to Kirk O'Donnell this week, those articles provide both comfort for those who knew Kirk, and inspiration for those who, even in these troubled political times in the United States, still believe in the dignity of public service.

Mr. President, I would ask that these articles be printed in the RECORD.

The articles follow:

[From the Wall Street Journal, Sept. 10, 1998]

THE LOSS OF A TALENTED, DECENT AND HONORABLE MAN

(By Albert R. Hunt)

Kirk O'Donnell, one of the ablest and most honorable people in American politics, died suddenly last weekend at the altogether too young age of 52. Even in grieving, it's somehow hard not to think how different the Clinton presidency might have been if Kirk O'Donnell had been a top White House adviser starting in 1993.

He combined the best virtues of the old and the new politics. Raised in the rough-and-tumble environs of Boston tribal warfare, he never saw politics as anything but a contact sport. But he always practiced it with decency and civility.

He was a great student of political history, which better enabled him to appreciate contemporary changes. There was a pragmatism to Kirk O'Donnell that never conflicted with his commitment and total integrity.

Success never changed him. He founded the influential Center for National Policy (his successor as its chair was Madeleine Albright) and then became a partner in the high-powered law firm of Vernon Jordan and Bob Strauss. But his values and devotion to family, friends and country were remarkably constant.

"He was a big oak tree of a friend," notes Stanley Brand, a Washington lawyer, of the former Brown University football star, a description which Mr. O'Donnell used to joke, was an "oxymoron."

He cut his political teeth working for Mayor Kevin White in Boston in the mid-70s, running the neighborhood city halls, developing an appreciation of the relationships between common folks and government that would serve him well for the next quarter century. Then there were more than seven years as chief counsel to House Speaker Tip O'Neill.

There was an exceptional triumvirate of top aides to the speaker: Leo Diehl, his longtime colleague who was the link to the past and the gatekeeper who kept away the hangers-on; Ari Weiss, although only in his twenties, unrivaled as a policy expert; and Kirk O'Donnell, in his early thirties, who brought political, legal and foreign policy expertise to the table, always with superb judgment.

Through it may seem strange in today's Congress, he commanded real respect across the aisle. "Kirk was really a tough, bright opponent; he was a great strategist because he didn't let his emotions cloud his judgment," recalls Billy Pitts, who was Mr. O'Donnell's Republican counterpart working with GOP House Leader Bob Michel. "But he always was a delight to be around and his word was gold."

When the Democrats were down, routed by the Reagan revolution in 1981, it was Kirk O'Donnell who put together a strategy memorandum advising the party to lay off esoteric issues and not to refight the tax issues but to focus on social security and jobs. It was the blueprint for a big Democratic comeback the next year. When then Republican Congressman Dick Cheney criticized the speaker for tough partisanship, Mr. O'Donnell immediately turned it around by citing a book that Rep. Cheney and his wife had written on House leaders that praised the same qualities that he now was criticizing.

For operated as well at that intersection of substance and politics, or understood both as well. He played a major role in orchestrating a powerful contingent of Irish-American politicians, including the speaker, to oppose pro-Irish groups espousing violence. "Kirk put the whole Irish thing together," the speaker said.

He was staunchly liberal on the responsibility of government to care for those in need or equal rights. But he cringed when Democrats veered off onto fringe issues, and never forgot the lessons learned running neighborhood city halls in his 20's. Family values to Kirk O'Donnell wasn't a political buzzword or cliche, but a reality of life; there never has been a more loving family than Kirk and Kathy O'Donnell and their kids, Holly and Brendan.

The Clinton administration made job overtures to Kirk O'Donnell several times but they were never commensurate with his talents. He should have been either Chief of Staff or legal counsel from the very start of this administration. He would have brought experience, expertise, maturity, judgment, toughness—intimate knowledge of the way Washington works—that nobody else in that White House possessed.

But sadly, that's not what this president sought. For Kirk O'Donnell wouldn't have tolerated dissembling. He never was unfaithful to those he worked for but "spinning"—as in situational truths—was foreign to him. When working for the speaker of Michael Dukakis in 1988, he would dodge, bob, sometimes talk gibberish but never, in hundreds of interviews with me, did he ever dissemble.

The contrast between this and someone like Dick Morris, who Mr. Clinton continuously turned to, is striking. This was brought home anew when Mr. Morris, the former top Clinton aide, wrote a letter seeming to take issue with a column I wrote a few weeks ago.

For starters, he erroneously denied that he suggested Hillary Clinton is a lesbian. More substantively, Mr. Morris says that Mr. Clinton called him when the Lewinsky story broke and had him do a poll to gauge reaction. He did that and told Mr. Clinton the public wouldn't accept the truth. Although Mr. Morris turned over what he says is that poll to Independent Counsel Kenneth Starr, some of us question whether the survey was genuine.

The infamous political consultant swears he sampled 500 people, asked 25 to 30 questions and did it all out of own pocket for $2,000. If true, it was a slipshod survey upon which the president reportedly decided to stake his word. (Only days later, Mr. Clinton swore at a private White Hose meeting that he hadn't spoken to Mr. Morris in ages.)

There was no more an astute analyst of polls than Kirk O'Donnell. He would pepper political conversations with survey data. But because he understood history and had such personal honor he always understood a poll was a snapshot, often valuable. But it never could be a substitute for principle or morality or integrity.

There were currencies of his professional and personal life. These no longer are commonplace commodities in politics, which is one of many reasons that the passing of this very good man is such a loss.

[From the Boston Globe, Sept. 10, 1998]

HE STOOD FOR POLITICS AT ITS BEST

(By Thomas Oliphant)

He was arguably the best mayor Boston never had, among a handful of people who mattered most to the turbulent city of the 1970's.

No one did more for the House of Representatives over the last generation who was never elected to it, no history of national affairs in the 1980s is complete without his large thumbprint.

The last four presidents have known all about his special gifts and felt their impact; the two Democrats (the completely different Jimmy Carter and Bill Clinton) had more than one occasion to depend on them big time.

On an average day he could get your brother a fair shot at the police force, help repair Social Security, broker the biggest tax bill of modern times, keep the Big Dig's cash coming, and still make it home for supper.

All across the intersections where politics and government meet in the interests of real people, the shock and pain at Kirk O'Donnell's death over the Labor Day weekend is the only recent event to unite Republicans, congressional Democrats, and Clintonities in this season of shame and ugliness.

You'd think all this emotion concerned a senior statesman passing on after a long lifetime of service, the occasion for a proud-sad moment to celebrate a life lived magnificently.

But the shock and pain arrived like a rusty blade in the gut because O'Donnell was only 52; he did things in his 30s and 40s that big shots in their 60s never accomplished. But the best was still ahead of him, and the sky was the limit; if the Democrats ever elect another president, a Cabinet post or chief of the White House staff would have been lateral movements for him.

This is the kind of death that shakes your faith, making it all the more important to reaffirm it. And the fact is this blend of Dorchester and D.C., of Boston Latin and Brown was a walking reaffirmation of faith in the potential of public service, a shining example of the silent majority who don't broker votes for cash, check their principles at the front desk, ignore their families, welsh on their commitments, indulge their whims and their urges, lie, and shirk. His life demonstrates that at the end only two things matter—whether your word's any good and how you treat others.

Two stories: Kevin Hagen White gets the credit for discovering him in the early years of decentralized innovation and leadership and hope for the racially polarized town. By 1975, the young political junkie who could explain Boston by precinct or by parish was

entrusted with White's third-term reelection campaign.

It was the roughest, ugliest, closest fight in modern Boston times. The people involved, despite all they've done since, still get together to tell the old stories and refight the old shouting matches. The one reputation that was enhanced by the bruising experience was O'Donnell's, for focusing like a laser beam on organizing the White vote and focusing on Joe Timilty's lack of a clear alternative.

After it was over and he was down in Washington with Tip O'Neill, it was increasingly clear that his former boss had lost his fastball. Again and again, from the shadows of the speaker's rooms in the Capitol, O'Donnell saw to Boston's interests. He would happily recount to me the stories of program formulas rejiggered to benefit the cities, of special items in appropriations bills (worth billions of dollars over time) as long as I understood that if I used his name in public he would rip my lungs out.

Just for the record, O'Donnell was more than enough of a city lover and urban scholar to know about subway analogies in politics. But he was the guy, in 1981, who called Social Security the third rail of American politics; few lines have been ripped off more. But he did it to make a point—that Ronald Reagan had touched it by reaching beyond his mandate to try to slash future benefits in a partisan initiative. With the help of the worst recession in 50 years, he and Speaker O'Neill pounced on that goof to effectively end the Reagan Revolution.

But that same skill was then put to use on the speaker's behalf to help broker a bipartisan repair job that has lasted 15 years and made the next stage of generational common sense possible. He was to Congress in the 1980s what Jim Baker was to the Reagan White House.

He was a big guy, with a big voice he rarely used except to laugh. Everyone trusted him. There are tears being shed today in saloons and salons, in boardrooms and in back rooms. Kirk O'Donnell's life demonstrates the power of the haunting challenge made famous by the Kennedys, that all of us can make a difference and that each of us should try.

[From the Boston Herald, Sept. 10, 1998]

O'DONNELL, BEST OF THE BREED

(By Susan Estrich)

A good man died on Saturday. He had a big smile, a big laugh and a great deal of power over the years. He used it well.

Ask people what they think of politics today, and the answer is generally not suitable for children to hear. The only things worse than politicians are the handlers and hacks who try to tell them what to do and us what to think, and then turn around and make money trashing their boss and the business they were in.

Kirk O'Donnell wasn't like that. He gave politics a good name.

Kirk was 52 when he died, jogging near his summer home in Scituate. He lived in Washington for most of his adult life and advised some of its most powerful men, but he was definitely a boy of Boston, and its politics—the way it should be.

He made his name working for Mayor Kevin White, who had promised to bring government to the people, which he did by creating "little city halls" in Boston's neighborhoods. Kirk's was a trailer in Fields Corner, where he helped working people who had no contacts or connections to be treated as if they did. He negotiated the system for them; he was their powerful friend and you didn't need a PAC to get his attention.

Later, working for Speaker of the House Tip O'Neill (a Cambridge resident), he said he had learned what he needed to know about Congress working at Fields Corner. I'm certain that he didn't just mean the business of politics—of phone calls and favors and chits to be spent—although given Congress, that is the most obvious meaning. For Kirk, the more important part of the lesson had to be about what politics is for.

Most people in politics work on either issues or politics, but not both. In this world, issues people tend to be viewed as nerds and wonks, a clear step beneath the gunslingers who do the politics and tell the speechwriters what to write. Kirk played both parts with equal ease; he was as good at one as the other, a rare combination that he used to bring legitimacy to the world of substance and substance to the world of politics. After his stint in the speaker's office, when he could have had any political job in town, he decided to help build a think-tank instead, giving the Center for National Policy a legitimacy that came from the fact that Kirk was heading it.

In 1988, I literally begged him to come to Boston to help me in the presidential campaign of Gov. Michael Dukakis. We were still doing well in the polls, but our communications problems were internal as well as external. He could see it when he came to talk to Dukakis and me. I was honest. To some, at the time, it certainly must have looked like a dream position: join the campaign of the nominee, who is heading for the convention and telling you that you are to be his chief political adviser. But Kirk knew better, and so did I. We needed him; he didn't need us.

It turned out worse than we anticipated. Kirk could have spent a good deal of time explaining to the press, on background to be sure, how the campaign's biggest gaffes were contrary to his advice, how he had argued for this or that, written the lines himself or never even had the opportunity to—as the president's aides do regularly these days. But he never did. He never would. He grew up in Boston, where loyalty means standing by people when they're wrong and working for someone means being loyal to him.

Kirk leaves two children behind. Losing a father is terrible at any age, but when he is young and you need him, and he is a man like Kirk, it is an especially acute pain. I lost my father when he was 54, and I know all the trite sayings about how some people live a lifetime in a few years, and they inspire others and live on through their friends and family.

It is all true, but it is still not enough. Time does heal; deaths become part of our history. But the sad truth is that a good man died on Saturday, and he will be much missed, as he was much loved and respected.•

PROSTATE CANCER RESEARCH

• Mrs. MURRAY. Mr. President, I stand before the Senate today to fight for the men of our country. I am referring to the cancer that has been most frequently diagnosed, in the last decade, in American men—prostate cancer. This cancer kills 40,000 American men every year and I am shocked we are even hesitating to appropriate the necessary funding to enable the Department of Defense to win this battle and find a cure.

I realize that I often find myself in this same place, fighting for women's health. As a member of the Appropriations Committee, I have consistently fought to provide the necessary funding for breast cancer research. Just this year, I offered an amendment to the DoD authorization bill that appropriated $175 million for the Breast Cancer Research Program. However, this is a critical time to invest in medical research, all medical research, including prostate cancer.

Mr. President, we need to fight for the lives of our husbands, brothers, sons, fathers, and grandfathers of America, as well as their families. Death from cancer is tragic yet even more so knowing that we are on the verge of finding a cure. I have been very pleased with the results of breast cancer research and I know that if we gave the DoD adequate funding, it would produce equally impressive results saving thousands of men who would have otherwise not survived this ravaging disease. I believe we have the science and technology to put an end to unnecessary prostate cancer fatalities.

I am fully confident that our medical community can step up and find a cure for prostate cancer. However, it is the duty of my colleagues and I to provide medical researchers the resources they need to do so. Now is the time to have faith in our scientific community and stand behind the DoD. President Clinton got the ball rolling when he funded the first cycle of prostate cancer research grants. However, this is not enough. If the DoD is to maintain its program at its current level, it requires an appropriation in FY99 of $80 million. There is no question in my mind what we need to do.

It is a stark reality that one in every six American men will be diagnosed with prostate cancer during their lifetime. Most victims of this disease are over the age of 65. Upon entering the Senate, I requested to be put on the Veterans Committee to ensure the veterans of Washington state were getting the recognition and benefits to which they are entitled. Many of the men suffering from prostate cancer are veterans. They fought for our country and our freedom. It is time we returned the favor and find the cure to a disease that threatens them all.

Now is the time to tackle prostate cancer with equal vigor as breast cancer. This is not about decreasing statistics, but is about preventing American families from having to deal with this fatal disease. We must act now. To postpone this essential decision is unacceptable. We must have faith in our medical community and allow them to find the cure.•

TRUTH IN EMPLOYMENT ACT—MOTION TO PROCEED

Mr. SESSIONS. I ask unanimous consent that the Senate now turn to S. 1981, the so-called salting bill.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. SESSIONS. Mr. President, I now move to proceed to S. 1981, the salting bill, and send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 344, S. 1981, the salting legislation:

Trent Lott, Tim Hutchinson, Don Nickles, Lauch Faircloth, Paul Coverdell, John Ashcroft, Jim Inhofe, Susan Collins, Chuck Hagel, John Warner, Jeff Sessions, Connie Mack, Sam Brownback, Jesse Helms, Wayne Allard, and Kit Bond.

Mr. SESSIONS. Mr. President, for the information of all Senators, this cloture vote will occur on Monday, September 14, 1998.

I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. SESSIONS. I now withdraw the motion.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

VITIATION OF PASSAGE—SENATE CONCURRENT RESOLUTIONS 110 AND 111

Mr. SESSIONS. Mr. President, I have a number of housekeeping matters.

On behalf of Senator LOTT, I ask unanimous consent that passage of S. Con. Res. 110 and S. Con. Res. 111 be vitiated and the resolutions be indefinitely postponed.

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

MEASURES INDEFINITELY POSTPONED

Mr. SESSIONS. I further ask unanimous consent that the following calendar numbers be indefinitely postponed: 46, 84, 155, 226, 277, 279, 413, and 432.

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

(S. 717, S. 924, S. 1156, S.J. Res. 37, S. 845, S. 1287, S. 2038, and S. 627 were indefinitely postponed.)

SECRETARY OF COMMERCE FINANCIAL REPORT EXTENSION

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 458, S. 2071.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2071) to extend a quarterly financial report program administered by the Secretary of Commerce.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed at this point in the RECORD.

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

The bill (S. 2071) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2071

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

SECTION 1. EXTENSION OF QUARTERLY FINANCIAL REPORT PROGRAM.

Section 4(b) of the Act entitled "An Act to amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes", approved January 12, 1983 (Public Law 97-454; 13 U.S.C. 91 note), is amended by striking "September 30, 1998" and inserting "September 30, 2005".

MEASURE PLACED ON CALENDAR—S. 2454

Mr. SESSIONS. Mr. President, I understand that there is a bill that is due for its second reading.

The PRESIDING OFFICER. The Senator is correct. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 2454) to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

Mr. SESSIONS. I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. I ask that the bill be placed on the calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar of General Orders.

ORDERS FOR FRIDAY, SEPTEMBER 11, 1998

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Friday, September 11. I further ask that when the Senate reconvenes on Friday, immediately following the prayer, the routine requests through the morning hour be granted, and the time between 9:30 a.m. and 10 a.m. be equally divided between Senators ABRAHAM and LEAHY or their designees. I further ask that at 10 a.m. the Senate proceed to the cloture vote on the motion to proceed to the child custody bill.

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

Mr. SESSIONS. I further ask that if an agreement cannot be reached on the bankruptcy bill, there be 30 minutes for closing remarks to be followed by a cloture vote on the Grassley substitute.

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

Mr. SESSIONS. Mr. President, I further ask unanimous consent that Senators have until 10 a.m. to file second-degree amendments to the Grassley amendment to the bankruptcy bill if the cloture vote occurs.

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

PROGRAM

Mr. SESSIONS. For the information of all Senators, and on behalf of the majority leader, Senator LOTT, when the Senate reconvenes on Friday at 9:30 a.m., there will be 30 minutes for debate on the cloture motion on the motion to proceed to the child custody protection bill. At 10 a.m., a cloture vote will occur on the child custody bill. If an agreement can be reached with respect to the bankruptcy bill, then the second cloture vote with respect to the bankruptcy bill will be vitiated. If an agreement cannot be reached, a second cloture vote would occur at approximately 11 a.m. At the conclusion of the two votes, the Senate can be expected to resume the Interior appropriations bill. Therefore, additional votes can be expected during Friday's session of the Senate.

The Senate could also consider any other legislative or executive items cleared for action. As a reminder, Members have until 10 a.m. to file second-degree amendments to the bankruptcy bill.

ORDER FOR ADJOURNMENT

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order, following the remarks of the Senator from Nebraska, Senator KERREY.

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

The PRESIDING OFFICER. The request for the Senate adjournment is

granted, without objection. The Senate is in quorum call. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

SITUATION IN RUSSIA

Mr. KERREY. Mr. President, 7 years ago last month, hard-line and aging Communist bosses in the Soviet Union made a clumsy attempt at a coup d'etat against then President Gorbachev. The coup accelerated the slow-motion implosion of the Soviet empire. By December of that year, our old nemesis had collapsed in an overwhelming, decisive and total victory for the United States. This ended 50 years of cold war that had exacted a tremendous toll in blood, sweat and treasure from our Nation. Our emotions ran the gamut from pride to relief—relief especially that the dark cloud of nuclear annihilation seemed to have passed and, in a more subtle way, relief that the heavy burden of leading the world in a battle for freedom against communism had been lifted from our shoulders. We clamored for a peace dividend. We reveled in our newfound ability to focus the Nation's energy on domestic affairs.

But the last few weeks of events in Russia have been a rude wake-up call, a convincing demonstration that neither the danger nor the burden have been lifted. If anything, Mr. President, they are greater. Russia's economy and currency have been stressed to the point of breaking. President Yeltsin's government is in grave crisis. The men and women who tend Russia's nuclear arsenal—the one remaining threat on this planet to the instantaneous extinction of the United States—have not been paid, by some reports, inasmuch as a year.

The danger is still great, Mr. President, but so is the burden, and it is that burden I want to discuss this evening.

We may react to these developments with a tinge of surprise. It is an axiom of the American tradition—an axiom, incidentally, in which I firmly believe—that democracies do not behave this way. When last most of us tuned in to the Russian saga, they had held democratic elections. They had abandoned central planning and other tenets of Communist ideology and embraced basic precepts of capitalism. They had agreed to swallow the magic elixir that we all assumed would cure the disease and now—just when we thought it might be safe to retreat from our global responsibilities—they are sick again. And once again, the burden of global leadership is thrust upon us.

What happened?

Let me stipulate, first of all, that I don't believe capitalism and democracy are magic elixirs that cure all diseases in a single dose. But I do believe that, taken as a rigorous regimen of treatment, they are about as good a cure for a whole variety of ills as we will ever find.

What we are learning, Mr. President, isn't that democracy and free markets are bad medicine, but that it is tough medicine that works as part of a sustained regimen. We are learning that democracy does not exist simply because the first election was called, and that capitalism does not exist the moment after the central planners are fired. Infrastructure must be built to sustain and manage these systems in a lawful manner. I believe the true test of the success of Russia will be determined by our ability to help the Russian people build this infrastructure.

The first institution that must undergird capitalism and democracy is the rule of law. The importance of that institution is illustrated by one of this century's great inventions, the airplane. Five years passed from the first successful flight at Kitty Hawk to the first public demonstration of the "Wright Model A" in France. The reason is that the Wright brothers were busy litigating a patent. It was that protection—the protection of law for their invention—that unleashed the ingenuity of the air age. Without the knowledge that the law protected their right to earn a living off their own ingenuity, the air age might never have been born.

It is exactly this sort of simple institution of law that makes capitalism possible. Such institutions do not yet exist in Russia.

There is a joke that in America, when two businessmen agree on something, put their agreement down on a piece of paper and sign their names to it, they have a contract. In Russia, all they have is a piece of paper. Without the rule of law, the simple act of opening a business, marketing a new idea or so much as buying a house becomes foolish and risky.

What we have learned, and what the Russian people are learning, is that democracy is also hard work, and our challenge now is to help the Russian people build the institutions that enable freedom to succeed. That Russia is still struggling to make democracy work should come as no surprise to us. For 222 years, we have been struggling with the same questions. On this day we are debating a bill whose goal is to fine-tune our own democracy. We helped the Russian people become free; now we must help them do the much harder work of being free. Mr. President, the true test of the success of Russia will be determined by our ability to help the Russian people build this infrastructure.

Despite these tall hurdles, the Russian people deserve credit for the long distance they have traveled.

They have created a democratic environment with the guarantee of essential freedoms like speech and press.

They have a functioning democratic electoral system. Boris Yeltsin is the democratically elected President of Russia. In turn, there is a democratically elected Duma controlled by an opposition party. As a result, Russia has learned the lesson that we in this body know all too well—democratic politics sometimes means gridlock.

Here as I see them are the areas in which Russia has fallen short:

Simply put, they have not done enough to establish the rule of law.

Because the style of capitalism they have implemented does not rest on the solid base of the rule of law, economic interactions have become distorted and unstable.

The government has not lived up to its responsibilities, and by failing to collect taxes and pay pensions, back wages and so forth, the government has lost the faith of the people. Corrupt privatization of state-owned enterprises and the failure to implement reforms, such as the protection of private property, have given the people a distorted vision of capitalism.

Take just the collection of taxes. We all know in this body that we just reformed the laws governing our Internal Revenue Service and reformed them because a significant percentage of Americans no longer trusted the tax collector.

But what we failed to acknowledge is, as bad as our system is, and as much as it can be improved—and I hope this legislation will improve it—a well functioning tax collector is a critical part, and a trusted tax collector is a critical part, of a functioning free market democratic form of Government.

As a result, the Russian people have become discouraged by "cowboy capitalism" and do not realize a true market economy should have the checks and balances of the rule of law.

Mr. President, we cannot be content to treat these simply as Russia's problems. And I submit there are three reasons why we cannot.

First, Russia's problems are our problems. Our own economy is not closely entwined with theirs, but it is not insulated either. Furthermore, the potential consequence of allowing this economic crisis to spread throughout the world poses too great a threat to our own economic security to stand idly by and watch the total collapse of the Russian political and economic system. Much more ominously, political instability and nuclear weapons are a dangerous mix.

Second, the Russian people are human beings who are suffering. Our

hearts and hands of assistance should go out to them.

Third, and most important, the United States of America is the first-born child of democracy in the modern age. We are the oldest and most successful, and when democracy is being born, history has called us to the duty of being its midwife, not a disinterested observer in the waiting room. We may wish this burden had been not cast on us, but it has. This is our duty.

Mr. President, what can we do?

First of all, I believe we must look at Russian democracy in terms of decades, not just years. The future is still very bright for them. It is a great nation blessed with vast resources and talented people. I remain confident that the transition to democracy will be successful. Nothing will cool their ardor for democratic reforms more than if we become pessimistic about the possibility of their democracy surviving.

We know it is tough. We know it is difficult. All of us have faced difficult moments in a democracy where we have wondered whether or not our system itself could work, but we always rise to the task. We always manage to rise to the challenge, to do that little more that is necessary to make our system work. We simply have to say to the Russian people over and over: "Do not be discouraged. It's far better than what you had before. The rule of law and the opportunity to govern yourself will be frustrating, it will produce disappointments, but do not stop persevering. Your children and your grandchildren will reward you with praise if you do."

Secondly, Mr. President, we have to continue to engage Russia as a partner. Not only is it desirable for us to do so as a consequence of their need, but it is desirable for us to do so as a consequence of ours. They are a permanent member of the Security Council. They are actively involved in many of the most important world issues that we face. And it is imperative that we continue to treat them as a full partner.

Third, we must continue to support the International Monetary Fund. While imperfect, and certainly demanding reform itself to become more open to our observation to know what they are doing and the decisions that they are making, it is still the only institution that pools the world's resources to address large-scale financial crises. I am pleased that the Senate has once again passed legislation to provide $18 billion to replenish the IMF's capital base.

Next, we must continue to work with the Russians on arms control and security issues. Instability in Russia is still the greatest foreign threat to our safety. Working to reduce nuclear and conventional arms will help Russia financially and improve the safety of the American people.

I do not mean to imply by that that arms control all by itself will solve this problem. We have lived through the tragedy of disarmament from the Second World War. We watched what happened when this Nation said in the 1920s: There are no threats out there, and therefore we are going to disarm. We have an obligation, based upon that memory, to keep our military and Armed Forces as strong as necessary, not just to meet today's threats but to meet tomorrow's threats. Still, it is true that the great amount of effort to reduce the stockpile of nuclear weapons will produce tremendous benefits not just to the people of the United States but to the people of all of this world.

Our most important long-term challenge, though, is working with Russia to develop the rule of law. This has to be a hands-on process of teaching. I believe the most important effort is likely to be the least expensive, and that is just long-term exchange programs, giving their people a chance to come here to see how democracy works, to understand the importance of having that law there to protect you not only so you can speak but so that you can start your business and enjoy the benefits that come as a consequence of the reward that we provide people in the market system—and it simply isn't there—to show them that we have also faced in the past problems with Government officials who are corrupted, but again the rule of law is there to protect the people, that they cannot tolerate corruption and they need not tolerate corruption in order to have a market system, and that they should not be discouraged as a consequence of the failures and the problems that they experience in the birthing years of their democracy and their market system.

We need to tell them, Mr. President, as we no doubt can, that we experience similar problems, that it is a long voyage, that we on the Fourth of July, we on Memorial Day, and we on Veterans Day, and we in great moments in our history stand and pay tribute not to ourselves but to our forefathers for the sacrifice of blood, for the sacrifice of treasury, for putting themselves on the line for our freedom.

We need to say that the burden on freedom is a great burden, that freedom is not free, that in wartime we must do as John Miller in "Saving Private Ryan" did—put down our chalk and give up our careers as teachers and put our lives on the line at the beaches of Normandy.

But in peacetime the burden is, we have to put our own selves on the line to fight to make our laws give people the protection and the freedom that they deserve, to come together and argue, to come together with our ideas, as we do here, day after day after day.

We have, I think, an opportunity, through exchange programs, through very small hands-on efforts, an opportunity to show the people of Russia that their great character that enabled them to turn back Napoleon, that enabled them to turn back Adolph Hitler, that enabled them to survive so much that it is almost unimaginable that they were able to get the job done, that a people that can do that can make democracy and free markets work not just for them but for their futures.

Mr. President, I hope and believe indeed there is reason to have optimism, that this Congress will not, on behalf of the American people, shirk our responsibilities and our duties to work with the people of Russia to make this experiment in democracy in their country as big a success as it has been for us.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m., Friday, September 11, 1998.

Thereupon, the Senate, at 7:37 p.m., adjourned until Friday, September 11, 1998, at 9:30 a.m.

NOMINATIONS

Executive Nominations Received by the Senate September 10, 1998:

DEPARTMENT OF ENERGY

T. J. GLAUTHIER, OF CALIFORNIA, TO BE DEPUTY SECRETARY OF ENERGY, VICE ELIZABETH ANNE MOLER.

DEPARTMENT OF STATE

HAROLD HONGJU KOH, OF CONNECTICUT, TO BE ASSISTANT OF STATE FOR DEMOCRACY, HUMAN RIGHTS, AND LABOR, VICE JOHN SHATTUCK.

B. LYNN PASCOE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MALAYSIA.

DEPARTMENT OF DEFENSE

HERBERT LEE BUCHANAN III, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE JOHN WADE DOUGLASS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. THOMAS R. CASE, xx...

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DARREL W. MCDANIEL, xx...

DEPARTMENT OF STATE

R. RAND BEERS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AN ASSISTANT SECRETARY OF STATE, VICE ROBERT S. GELBARD, RESIGNED.

PETER F. ROMERO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE, VICE JEFFREY DAVIDOW.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE ASSISTANT SECRETARY OF STATE, VICE PRINCETON NATHAN LYMAN.

DEPARTMENT OF DEFENSE

JEH CHARLES JOHNSON, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE, VICE SHEILA CHESTON.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. RICHARD J. HART, x...

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOHN M. ADAMS, x...
MARY L. ALBER, x...
CATHERINE D. ALEXANDER, x...
PHILLIP R. ALLISON, x...
ROBERT A. ALONSO, x...
ALDEN D. ARMSTRONG, x...
KEVIN M. ARNWINE, x...
CHARLENE M. AULD, x...
LINNEA M. AXMAN, x...
TOBIAS J. BACANER, x...
DAVID L. BAILEY, x...
BRENDA C. BAKER, x...
JOHN T. BAKER, x...
THOMAS M. BALESTRIERI, x...
ALICA K. BARTLETT, x...
BRENDA G. BARTLEY, x...
KEITH F. BATTS, x...
BRITT C. BAYLES, x...
ANNETTE BEADLE, x...
MATTHEW R. BEEBE, x...
KRIS M. BELLAND, x...
JOSE C. BELTRANO, x...
RICHARD M. BERGER, x...
WAYNE J. BERGERON, x...
JOHN L. BERLOT, x...
STEVEN G. BERTOLACCINI, x...
JAMES A. BLACK, x...
RENAE L. BLACK, x...
GREGORY BLACKMAN, x...
JODY K. BLONIEN, x...
ANN BOBECK, x...
CHARLES D. BOND, x...
ALLEN D. BOOKER, x...
DOUGLAS H. BOOTHE, x...
MARK E. BOWER, x...
MICHAEL S. BOWERS, x...
ELLA F. BRADSHAW, x...
THOMAS E. BRAITHWAITE, x...
TROY E. BRANNON, x...
KRISTI B. BRENNAN, x...
MARILYN M. BROOKS, x...
PAUL A. BROOKS, x...
LEROY A. J. BROUGHTON, x...
LEWIS E. BROWN, x...
THOMAS P. BROWN, x...
LINDA M. BROWNVIDAL, x...
MARK D. BRYSON, x...
PATRICK A. BUDIN, x...
MARK D. BUFFKIN, x...
JACQUELYN L. CALBERT, x...
DANNY W. CAMPBELL, x...
MORRIS A. CAPLAN, x...
MARGARET M. CARLSON, x...
SUSAN R. CARNEY, x...
MICHAEL C. CAVALLARO, x...
MARTIN J. CAVINS, x...
ARDEN CHAN, x...
CYRIL CHAVIS, x...
THOMAS J. CHOHANY, x...
ALBERT M. CHURILLA, x...
DANIEL G. CLAGUE, x...
MARK V. COLAIANNI, x...
SCOTT W. COLBURN, x...
JIMMIE N. COLLINS, x...
EDWIN R. CONNELLY, x...
RALPH W. COREY III, x...
ANTHONY J. COX, x...
ROBERT L. CRALL, x...
ROBERTA C. CRANN, x...
FLORENCE M. CROSBY, x...
ROBERT D. CROSSAN, x...
STANLEY K. CROZIER, x...
CHRISTOPHER CULP, x...
GARY M. CUMMINGS, x...
THOMAS W. CUNNINGHAM, x...
ROBERT G. CURIA, x...
NANCY L. CURLL, x...
PETER E. DAHL, x...
LOUIS A. DAMIANO, x...
WILLIAM E. DANDO, x...
SHERMAN A. DANIELSON, x...
STEVEN S. DANNA, x...
RONALD A. DEIKE, x...
NANETTE M. DERENZI, x...
JEROME V. DILLON, x...
CHRISTINE R. DIMARCO, x...
JAMES R. DOLAN, x...
DANIEL G. DOMINGUEZ, x...
JONATHAN E. DOMINGUEZ, x...
JAMES F. DORAN, x...
FLOYD A. DOUGHTY, x...
ROBERT C. DOUGLASS, x...
MAUREEN E. DUCKWORTH, x...
STEVEN R. DUPES, x...
MARION A. EGGENBERGER, x...
STEVEN B. ELLIS, x...
ANGELIA D. ELUMONEAL, x...
ANTHONY V. ERMOVICK, x...
GEORGE J. EULER, x...
MICHAEL A. EVERINGHAM, x...
ROBERT S. FEINBERG, x...
JAMES P. FERGUSON, x...
EUGENIO FERNANDEZ, x...
BRETT R. FINK, x...
JAMES R. FISHER, JR, x...
RAYNARD K. S. FONG, x...
WALTER M. FREDERICK, x...
JONATHAN M. FRUSTI, x...
ALAN P. GEGENHEIMER, x...
ARTHUR J. GIGUERE, x...
ROBERT J. A. GILBEAU, x...
ANN L. GILMORE, x...
PAMELA G. GIZA, x...
JOSEPH I. GLIKSMAN, x...
PAZ B. GOMEZ, x...
STEPHEN T. GRAGG, x...
PAUL R. GRASSO, x...
KRISTE J. M. GRAU, x...
JAY A. GRAVEN, x...
TIMOTHY M. GREENE, x...
PHILLIP E. GWALTNEY, x...
ROBERT L. GWOZDZ, x...
MARJORIE B. GWYNN, x...
WILLIAM M. HALL, x...
SHAWN K. HAMILTON, x...
MARTHA J. HANSEN, x...
JANICE M. HARRELLPARKER, x...
CHARLES R. HARRIS, x...
GREGORY A. HARRIS, x...
BRETT HART, x...
ANNETTE N. HASSELBECK, x...
CARL R. HATHCOCK, x...
DOUGLAS G. HATTER, x...
JOSEPH D. HEDGES, x...
PHILLIP C. HEINEMANN, x...
WILLIAM M. HENDERSON, x...
EDWARD W. HESSEL, x...
NANCY G. HIGHT, x...
JERRY J. HODGE III, x...
HOWARD F. HOLLEY, x...
PHILIP M. HOLMES, x...
CHRISTOPHER J. HONKOMP, x...
WILLIAM C. HORRIGAN, x...
CAROYLN S. HOWARD, x...
CHRISTOPHER L. HUNT, x...
ROBERT M. INABA, x...
JULIAN B. IRBY, x...
LINDA A. IRELAND, x...
WARREN W. JEDERBERG, x...
RICHARD A. JENSEN, x...
PAULA M. JONAK, x...
MELVIN G. JONES, x...
NORMA G. JONES, x...
SCOTT M. JONES, x...
JOSEPH W. KARITIS, x...
ROBERT J. KASTNER, x...
MARY D. KEENAN, x...
DAVID F. KELLEY, x...
JOHN S. KELLOGG, x...
GUTSHALL M. K. KENNEY, x...
CHARLES R. KESSLER, x...
CYNTHIA L. KILLMEYEREBERT, x...
RANDOLPH J. KIRKLAND, x...
LEONARD R. KLEIN, x...
CHARLES I. KNAPP, x...
DANIEL V. KNOERL, x...
CATHERINE S. KNOWLES, x...
CHRISTOPHER KOENIG, x...
GORDON D. KORTHALS, x...
CYNTHIA KOVACH, x...
JAMES J. KRNC, x...
DAVID A. LANE, x...
MICHAEL LEE, x...
GARY L. LEFFELMAN, x...
RUTH A. LONGENECKER, x...
LOUIS LOUK, JR., x...
KATHERINE M. LOVELESS, x...
PAUL G. LUEPKE, x...
RONALD D. LUKA, x...
JAIME A. LUKE, x...
JEFFREY A. MACDONALD, x...
KEVIN L. MAGNUSSON, x...
VIRGINIA J. MAKALE, x...
EDWIN C. MALIXI, x...
JOHN C. MARINUCCI, x...
KAREN R. MARKERT, x...
KEVIN T. MARKS, x...
JAMES E. MARLER, JR., x...
KEVIN J. MARTY, x...
CRUZ MATA, x...
NICHOLAS K. K. MATO, x...
SHAWNO E. MAY, x...
DENNIS E. MAYER, x...
PATRICK O. MCCABE, x...
ROBERT P. MCCLANAHAN, JR., x...
WILLIAM B. MCCREA, x...
CHARLES P. MCGATHY, x...
GEORGE J. MCKENNA, x...
TERESA A. MCPALMER, x...
JEROME MCSWAIN, JR., x...
PETER B. MELIN, x...
KENNETH L. MENDELSON, x...
JERRY J. MICHO, x...
ROBERT F. MIEDZINSKI, x...
STEPHEN J. MIGLIORE, x...
MARK J. MILANO, x...
SYLVIA R. MILLER, x...
WILLIAM J. MILLS, x...
JAMES W. MITCHELL, x...
THERESA K. MITCHELL, x...
CARRIE A. MOCK, x...
HELEN L. MONNENS, x...
ROSA R. MOORE, x...
EDUARDO MORALES, x...
ROBERT C. MORASH, JR., x...
TODD J. MORRIS, x...
JOHN R. MORRISON, x...
MARYALICE MORRO, x...
DOUGLAS G. MORTON, x...
BRIAN P. S. MURPHY, x...
PETER M. MURPHY, x...
TYRONE D. NAQUIN, x...
TODD W. NEILS, x...
ANDREW A. NELSON, x...
DEBORAH E. NELSON, x...
DUANE NELSON, x...
JON E. NELSON, x...
TIMOTHY J. NEUMANN, x...
THOMAS C. NICHOLAS, x...
WILLIAM N. NORMAN, x...
JAMES P. NORTON, x...
GREGORY J. O'BRIEN, x...
FRANCIS O'CONNOR, x...
MARK A. OHL, x...
CARL E. OPSAHL, x...
MELISSA R. P. OTTENBACHER, x...
GREGORY F. PAINE, x...
DANIEL A. PALKO, x...
FREDERICK R. PATTERSON, x...
ELIZABETH A. PEAKE, x...
GINAMARIE PEARCE, x...
MICHAEL A. PELINI, x...
JOSEPH E. PELLEGRINI, x...
MARY K. PERDUE, x...
LORING I. PERRY, x...
ROBERT J. PETERS, x...
DAVID C. PHILLIPS, x...
JAMES C. PILE, x...
JOHN C. PIRMANN, x...
DONALD R. PLOMBON, x...
JOHNNY W. P. POOLE, x...
MICHAEL L. POTTER, x...
JEFFREY W. PRITCHARD, x...
CORLEY E. PUCKETT, x...
SONJA M. PYLE, x...
MICHAEL M. QUIGLEY, x...
HERSCHEL H. RECTOR, JR., x...
TERRANCE R. REEVES, x...
GEORGE F. REILLY, x...
CAROL L. REMEY, x...
DAVID P. REMY, x...
TOMMY L. RICHARDSON, x...
GEORGE A. RIDGEWAY, x...
ANNA R. RIEGLE, x...
PHILIP J. RINAUDO, x...
GERALD A. RIVAS, x...
RICHARD K. ROACH, x...
GLENN C. ROBILLARD, x...
PAUL V. ROCERETO, x...
RICHARD G. ROCKFORD, x...
THOMAS J. RODINA, x...
RAYMOND J. RODRIGUEZ, x...
JOHN A. ROTHACKER, III, x...
GUY J. RUDIN, x...
JOHN R. RUMBAUGH, x...
DAVID T. RUPERT, x...
ALAN J. RUPRECHT, JR., x...
KAREN L. SALOMON, x...
EDUARDO M. SALVADOR, x...
ROBERT N. SAWYER, x...
CHARLES E. SCHAFF, x...
MARY B. SCHALL, x...
KELLY J. SCHMADER, x...
SUSAN M. SCOTT, x...
VANESSA M. SCOTT, x...
PAULA J. SEXTON, x...
JOHN B. SHAPIRA, x...
JOHN K. SHEA, JR., x...
BRIAN D. SHEPPARD, x...
STEVEN J. SHERIS, x...
JAMES L. SHIELDS III, x...
RUTH C. SHU, x...
ROBERT W. SIEGFRIED, x...
GREGORY L. SIMPKINS, x...
ARNO J. SIST, x...
JOSEPH B. SLAKEY, x...
JANET D. SLATTEN, x...
MARTHA M. SLAUGHTER, x...
PEGGY M. SLEICHTER, x...
SCOTT M. SMITH, x...
STEVEN D. SMITH, x...
STEVEN L. SMITH, x...
PAUL A. SOARES, x...
PAMELA M. SOWELL, x...
JOSEPH L. SPRUILL, x...
JAMES F. STADER, x...
JAMES T. STASIAK, x...
DAVID B. STRATTON, x...
MARK C. TAYLOR, x...
MICHAEL R. TORRICELLI, x...
EDWARD TULENKO, x...
MARK D. TURNER, x...
PATRICK W. TYSOR, x...
ROBERT VALE, x...
JAMES R. VANDEVOORDE, x...
SALLY E. VEASEY, x...
MICHAEL VERNERE, x...
LISA A. Y. VICKERS, x...
JEFFREY D. VOLTZ, x...
JOHN D. WAEGERLE, x...
JOHN K. WAITS, x...
LAWRENCE E. WALTER, x...
CARL D. WAMBLE, x...
DANA S. WEINER, x...
DERRIC T. WHITE, x...
EDWARD S. WHITE, x...
PAMELA A. WHITE, x...
DEBRA M. WILBERT, x...
MARY K. WILCOX, x...
OLRIC R. WILKINS, x...
WAYNE J. WILLIAMSON, x...
SONIA E. WILSON, x...
DOUGLAS E. WINESETT, x...
STEVEN M. WIRSCHING, x...
JAMES A. WORCESTER, x...
MICHAEL M. WRAY, x...
ROBERT S. WRIGHT, x...
DENNIS F. YEATMAN, x...
MAUREEN J. ZELLER, x...

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

CHRISTOPHER L. ABBOTT, x...
GEORGE P. ABITANTE, x...
ALAN J. ABRAMSON, x...
MARK R. ACHENBACH, x...
CHRISTOPHER E. AGAN, x...
KENT R. AITCHESON, x...
AL A. O. ALABATA, x...
ROBERT W. ALCALA, x...
STEVEN L. ALKOV, x...
JOHN M. ALVERSON, x...
JOHN V. AMY, JR., x...
KEVIN R. ANDERSEN, x...
CHARLES S. ANDERSON, x...
JOHN S. ANDREWS, x...
BRIAN K. ANTONIO, x...
CARLOS E. APONTE, x...
JOHN C. AQUILINO, x...
JEFFREY H. ARMSTRONG, x...
JOHN D. ASHE, x...
DUANE R. ASHTON, x...
TIMOTHY ATKINSON, x...
KENNETH W. AUTEN, x...
THOMAS W. BAILEY, x...
FRANK W. BAKER, JR., x...
JONATHAN A. BAKER, x...
MARK A. BAKER, x...
FRANK W. BALANTIC, x...
STEVEN W. BALDREE, x...
DANIEL J. BALL, x...
TERESA S. BANDURDUVALL, x...
KATHY A. BARAN, x...
KENNETH J. BARRETT, JR., x...
DAVID J. BARTHOLOMEW, JR., x...
VERNON D. BASHAW, x...
CRAIG D. BATCHELDER, x...
STEVEN E. BATES, x...
STEVEN BAXTER, x...
JAMES C. BEATTY, x...
PAUL B. BECKER, x...
DAVID R. BECKETT, x...
STEPHEN W. BECKVONPECCOZ, x...
ROBIN C. BEDINGFIELD, x...
MARK G. BEEDENBENDER, x...
ROBIN L. BELEN, x...
BARBARA A. BELL, x...
GOODMAN E. BELLAMY, x...
PAUL N. BELLANTONI, x...
WARREN C. BELT, x...
JEAN E. BENFER, x...
THEODORE J. BERGER, JR., x...
DENNIS G. BEVINGTON, x...
KRISTIAN P. BIGGS, x...
LAWRENCE P. BITTNER, x...
BRUCE R. BJORKLUND, x...
RANDAL D. BLACK, x...
HOMER G. BLALOCK III, x...
FREDERICK T. BLANCHARD, x...
TIMOTHY J. BLOCK, x...
KEITH A. BLUESTEIN, x...
DAVID S. BOGDAN, x...
KEVIN D. BOHNSTEDT, x...
STEVEN G. BOIS, x...
GEORGE BONSALL, x...
STEVEN A. BORDEN, x...
TODD W. BOSTOCK, x...
BRENT L. BOSTON, x...
GEORGE B. BOUDREAU III, x...
SAMUEL R. BOVINGTON, x...
JOHN B. BOWIE, x...
RODERIC C. BRAGG, x...
BRIAN J. BRAKKE, x...
DANIEL E. BRASWELL, x...
THERESA M. BRAYMER, x...
KEVIN R. BRENTON, x...
ROBERT F. BRESE, x...
CLAUDIA S. BROADWATER, x...
BRIAN J. BROENE, x...
CHRISTOPHER V. BROSE, x...
CHRISTOPHER E. BROWN, x...
DOUGLAS J. BROWN, x...
JAMES R. BROWN, x...
LLOYD P. BROWN, JR., x...
MATTHEW S. BROWN, x...
MICHAEL W. BROWN, x...
ROGER W. BROWN, x...
DAVID D. BRUHN, x...
CLIFFORD A. BRUNGER, x...
JOHN L. BRYANT, JR., x...
SEAN S. BUCK, x...
PATRICK E. BUCKLEY, x...
KENDALL A. BURDICK, x...
JAMES D. BURNS, x...
TERRY M. BURT, x...
CLAUDIA S. BUTLER, x...
JOHN C. BUTLER, x...
OTIS E. BUTLER III, x...
ERIC B. BYRNE, x...
JOHN D. CACCIVIO, JR., x...
DAVID A. CACHO, x...
THOMAS M. CALABRESE, x...
DAVID M. CALDWELL, x...
SHAWN M. CALI, x...
ROBERT J. CAMERON, JR., x...
KEVIN P. CAMPBELL, x...
SCOTT R. CAMPBELL, x...
KENNETH R. CAMPITELLI, x...
KERRY B. CANADY, x...
JEFFREY L. CANFIELD, x...
FREDERICK J. CAPRIA, x...
BRYAN T. CARAVEO, x...
LEE S. CARDWELL, x...
ALBERT G. CAREY, x...
JESSIE C. CARMAN, x...
NANCY J. CARTER, x...
FRANK J. CARUSO, JR., x...
ALEXANDER T. CASIMES, x...
DOUGLAS P. CASSIDY, x...
WILLIAM G. CASTANEDA, x...
EUSTAQUIO CASTROMENDOZA, x...
MICHAEL J. CAVANO, x...
JON M. CECCHETTI, x...
MARK E. CEDRUN, x...
STEPHEN D. CHACHULA, x...
COLIN B. CHAFFEE, x...
THOMAS J. CHASSEE, x...
MARK A. CHAVES, x...
DONALD W. CHEWNING, x...
JOHN S. CHISHOLM, x...
JAMES F. CHURBUCK, JR., x...
MATTHEW B. CISSEL, x...
MICHAEL S. CLARK, x...
ROBERT E. CLARK II, x...
RODNEY A. CLARK, x...
WILLIAM I. CLARK, x...
CLARENCE C. CLOSE, x...
BARRY W. COCEANO, x...
WARREN A. COLEMAN III, x...
DONALD E. COLLINS, x...
WILLIAM J. COLLINS, x...
WILLIAM M. CONDON, x...
DOUGLAS P. CONKEY, x...
TIMOTHY M. CONROY, x...
DARRELL C. COOK, x...
CHRISTOPHER R. COOPER, x...
JOHN P. CORDLE, x...
DIEGO R. CORRAL, x...
RAYMOND B. CORRIGAN, x...
BRIAN T. COSTELLO, x...
JAMES M. COUMES, x...
RAYMOND L. COUTLEY, x...
AMRY S. COX, x...
TIMOTHY W. CRAWFORD, x...
MARK E. CREP, x...
LOWELL D. CROW, x...
RICHARD T. CROWERS, JR., x...
TERRENCE E. CULTON, x...
STEPHEN G. CUNDARI, x...
STANLEY CUNNINGHAM, x...
BRYAN L. CUNY, x...
ROBERT L. CURBEAM, JR., x...
ADAM J. CURTIS, x...
JEFFREY S. DALE, x...
PETER K. DALLMAN, x...
JOHN M. DALY, x...
ALBERT C. DANIEL, JR., x...
TIMOTHY N. DASELER, x...
GERRAL K. DAVID, x...
STUART W. DAVIDSON, x...
MARK E. DAVIS, x...
TERRY K. DAVIS, x...
TODD C. DAVIS, x...
ERIC L. DAWSON, x...
PETER M. DAWSON, x...
ANDREW S. DEAN, x...
MARK J. DEARDURFF, x...
ROBERT C. DEES, x...
ROBERT A. DEGENNARO, x...
THOMAS D. DEITZ, x...
JOSEPH F. DEMARCO, x...
DOUGLAS J. DENNENY, x...
LYNN L. DENNIS, JR., x...
DAVID M. DEPMAN, x...
DAVID R. DESIMONE, x...
NANCY R. DILLARD, x...
PAUL S. DILLMAN, x...
WILLIAM E. DINE, x...
PATRICK DISPENZIERI, x...
THOMAS A. DITRI, x...
DENNIS L. DIUNIZIO, x...
MICHAEL J. DOBBS, x...
DAVID M. DOBER, x...
NORBERT H. DOERRY, x...
KATHERINE M. DONOVAN, x...
RICHARD J. DORN, x...
DANIEL G. DOSTER, x...
CHARLES J. DOTY, x...
ANTHONY H. DROPP, x...
CHARLES F. DRUMMOND, x...
TITO P. DUA, x...
MARY D. DUBAY, x...
RICHARD A. DUMAS, x...

SUSAN L. DUNLAP, X...
ARCHIBALD S. DUNN, X...
JIMMY DURAN, X...
DAVID M. DURYEA, X...
JENNIFER E. DYER, X...
JOEL B. DYKES, X...
RICHARD J. EASON, X...
JAMES P. EASTERBROOKS, X...
MICHAEL J. EATON, X...
CATHERINE R. EBERHART, X...
JOSEPH G. EBERT, X...
JIM B. EDENS III, X...
JEFFRY L. EDGAR, X...
THOMAS L. EGBERT, X...
DAVID A. EKKER, X...
CAROL P. ELLIOTT, X...
COLLEEN L. ELLIS, X...
LANTZ C. ELLIS, X...
PATRICK E. ELLIS, X...
DONALD F. EMERSON, X...
GARY E. ENGLISH, X...
KENNETH A. ENRIQUEZ, X...
ROBERT W. ERNST, X...
MYLES ESMELE, JR., X...
WILLIAM R. ESTRADA, X...
ERIC D. EXNER, X...
JERI D. EZELL, X...
JOHN R. FAHEY, X...
EDWARD J. FAIRBAIRN, X...
JAMES R. FALLIN, JR., X...
PETER J. FANTA, X...
STUART T .FARNHAM, X...
RICHARD E. FARRELL, X...
WILLIAM A. FIELDS, X...
SEAN R. FILIPOWSKI, X...
DANIEL H. FILLION, X...
ROBERT D. FINK, X...
RICHARD J. FINNEGAN, X...
ROBERT L. FIREHAMMER, JR, X...
JAMES H. FLATLEY IV, X...
BRIAN N. FLETCHER, X...
THOMAS A. FLISK, JR, X...
EDWARD A. FLORES, X...
KAREN P. FONDREN, X...
ROBERT J. FORD, X...
CARL B. FORKNER, X...
DANIEL P. FORNEY, X...
DAVID M. FOX, X...
WILLIAM J. FRAKE IV, X...
JEFFREY A. FRANKLIN, X...
CHRISTOPHER L. FRASSE, X...
MITCHELL A. FREE, X...
WILLIAM F. FREITAG, X...
GERALD FRIEDMAN, X...
RAYMOND T. FULLER, JR, X...
WILLIAM J. FULTON, X...
JOHN W. FUNK, X...
SCOTT M. GALBREAITH, X...
DAVID J. GALE, X...
NORMAN W. GALER, X...
WILLIAM J. GALINIS, X...
CHRISTOPHER P. GALLAGHER, X...
ARTHUR F. GALPIN III, X...
CARL J. GARBELOTTI, X...
JOSEPH H. GATES, X...
EDWARD J. GAWLIK, JR, X...
ROY J. GEBERTH, X...
JOHN P. GELINNE, X...
DAVID J. GELLENE, X...
MARK D. GENUNG, X...
RANDALL L. GETMAN, X...
LEOPOLDO D. GIL, JR, X...
MICHAEL M. GILDAY, X...
JEREMY W. GILLESPIE, X...
WILLIAM T. GILLIGAN, X...
BRIAN J. GLACKIN, X...
JERRY L. GODDING, X...
JEFFREY D. GORDON, X...
SCOTT S. GORDON, X...
DAVID P. GORMAN, X...
MARK J. GOUGH, X...
ROBERT S. GRADEL, X...
CHRISTOPHER W. GRADY, X...
JEFFREY R. GRAHAM, X...
MICHAEL G. GRAHAM, X...
LARRY A. GRANT, X...
KENNETH L. GRAY, X...
PETER A. GRIFFITHS, X...
MICHAEL E. GROODY, X...
ROBERT L. GROSS, JR, X...
WILLIAM A. GUERRERO, X...
STANLEY L. GUNTER, X...
JACK A. GUSTAFSON, X...
DAVID J.W. GWILLIAM, X...
MARY E. GWIN, X...
MICHAEL T. HABERTHUR, X...
SUSAN M. HAEG, X...
ROBERT G. HAHN, X...
SCOTT W. HALE, X...
MICHAEL P. HALLAL, JR, X...
NORTHMORE W. HAMILL, X...
LEONARD J. HAMILTON, X...
STEPHANIE W. HAMILTON, X...
WILLIAM C. HAMILTON, X...
JON C. HARDING, X...
EDWARD J. HARRINGTON, X...
CHARLES K. HARRIS, X...
SCOTT D. HARRIS, X...
FRANCIS L. HARRISON, JR, X...
WILLIAM J. HART, X...
MARK D. HARVEY, X...
WILLIAM D. HATCH II, X...
CHRISTIAN N. HAUGEN, X...
STEVEN D. HAYES, X...
DEBORAH A. HEADRICK, X...
PETER J. HEIMBACH, X...
AUGUST H. HEIN, X...
JOHN C. HEISS, X...
BRIAN W. HELMER, X...
RANDALL M. HENDRICKSON, X...
CHRISTOPHER M. HENSON, X...
ROGER G. HERBERT, JR., X...
JOHN B. HERRINGTON, X...
JAMES A. HERTLEIN, X...
CHARLES R. HILL, X...
GREGORY J. HILSCHER, X...
JAMES J. HIRST III, X...
TIMOTHY L. HOBBS, X...
JANE E. HOFFMAN, X...
PAUL J. HOFFMAN, X...
RAYMOND F. HOFFMANN, X...
DONALD A. HOLCOMB, X...
TIMOTHY A. HOLLAND, X...
GUY V. HOLSTEN, X...
MICHAEL A. HOMSCHEK, X...
OWEN P. HONORS, JR., X...
ROBERT R. HOOKS, X...
KEVIN R. HOOLEY, X...
JAMES B. HOPKINS II, X...
ROBERT S. HOSPODAR, X...
JOHN R. HOUFEK, X...
PAUL S. HOUGHTON, X...
SAMUEL C.H. HOWARD, X...
PHILIP G. HOWE, X...
WILLIAM R.N. HOWELL, X...
RANDALL S. HOWES, X...
MARK R. HOYLE, X...
BRIAN D. HUGHES, X...
PAUL D. HULLINGER, X...
JAMES R. HUNT, X...
PETER P. HUNT, X...
PHILLIP R. HURNI, X...
RICHARD IMPELLIZZERI, X...
ROBERT P. IRELAN, X...
STEPHEN M. JACKSON, X...
DOROTHY M. JANSON, X...
JAMES V. JARVIS, X...
KAREN D. JEFFRIES, X...
CHRISTOPHER F. JEWETT, X...
DONALD C. JOHNSON, JR., X...
THOMAS P. JONES, JR., X...
JOHN M. JORGENSEN, X...
JOHN E. JOSEPH, X...
PAUL A. JUDICE, X...
CJ KALB, X...
HEIDI W. KALLIO, X...
DAVID M. KAPAUN, X...
FRANK R. KARA, X...
ANTHONY C. KARKAINEN, X...
CRAIG A. KAUBER, X...
THOMAS J. KEARNEY, X...
MICHAEL J. KEATING, X...
PATRICK J. KEENAN, JR., X...
CHRISTOPHER J. KELLY, X...
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SHAUN M. KELLY, X...
BEVERLY J. KELSEY, X...
JOHN M. KENNEDY, X...
JOSEPH C. KENNEDY, X...
SIDNEY D. KENNEDY, X...
MATTHEW R. KERCHER, X...
JOHN M. KERSH, JR., X...
PHILLIP R. KESSLER, X...
RICHARD D. KEYS, X...
JOHN F. KIEFFER, X...
DAVID L. KIEHL, X...
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CHARLES D. KILBURN II, X...
ANDREW A. KING, X...
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JERI S. KING, X...
NANCY KINGWILLIAMS, X...
JOHN G. KINNEY, X...
THOMAS K. KISIEL, X...
RICHARD W. KITCHENS, X...
STEVEN G. KOCHMAN, X...
FEZA S. KOPRUCU, X...
THEODORE R.I. KRAMER, X...
GERALD P. KREFT, X...
DAVID M. KRIETE, X...
JOHN M. KROFT, X...
DIETRICH H. KUHLMANN III, X...
JEFFERY S. KUHN, X...
JEFFREY A. KULP, X...
BRUCE N. KUYATT, X...
JAMES M. KUZMA, X...
GREGORY J. LAFAVE, X...
LEIF E. LAGERGREN, X...
CHARLES W. LAINGEN, X...
THOMAS P. LALOR, X...
REINER W. LAMBERT, X...
GEORGE M. LANCASTER, X...
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JOHN D. LAPE, X...
SCOTT G. LARSEN, X...
DONALD M. LEINGANG, X...
JAMES M. LELAND III, X...
PETER N. LENGYEL, X...
EDWARD J. LESTER, X...
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KENNETH C. LEVINS, X...
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PAUL A. LLUY, X...
MICHAEL C. LOEBER, X...
JEFFREY C. LONG, X...
GREGORY L. LOONEY, X...
BRIAN L. LOSEY, X...
STEVEN A. LOTT, X...
TIMOTHY S. LUFFY, X...
THOMAS B. LUKASZEWICZ, X...
FRANCIS C. LUKENBILL, X...
BRIAN E. LUTHER, X...
RANDOLPH L. MAHR, X...
JAMES R. MALLETTE, JR., X...
WINFRED A. MALONE, X...
OCTAVIO E. MANDULEY, X...
PAUL A. MARCONI, X...
DAVID P. MARKERT, X...
ERNEST B. MARKHAM, X...
MELANIE A. MARR, X...
LAWRENCE E. MARSHALL, X...
ROBERT P. MARSTON, X...
BRADLEY A. MARTIN, X...
FRANCIS X. MARTIN, X...
MARSHALL W. MARTIN, JR., X...
CAROLE S. MARTONOSI, X...
GEORGE M. MATAIS, X...
TIMOTHY S. MATTHEWS, X...
DAVID N. MAYNARD, X...
TIMOTHY J. MAYNARD, X...
ROBERT W. MAZZONE, X...
JEFFREY F. MCALOON, X...
STUART A. MCCORMICK, X...
ANGELO A. MCCOY, X...
PETER H. MCDEVITT, X...
CHRISTOPHER J. MCDONALD, X...
BARRY R. MCDONOUGH, JR., X...
JOHN K. MCDOWELL, X...
ROGER D. MCGINNIS, X...
SALLY E. MCGINTY, X...
BRIAN MCILVAINE, X...
THOMAS P. MCKAVITT, JR., X...
JEFFREY L. MCKENZIE, X...
SCOTT J. MCKERNAN, X...
MARTIN G. MCMAHON, X...
WILLIAM C. MCMASTERS, X...
RICK M. MCQUEEN, X...
WILLIAM C. MCQUILKIN, X...
CHARLES D. MCWHORTER, X...
THOMAS A. MEADOWS, X...
CHARLES P. MELCHER, X...
DAVID W. MELIN, X...
RONALD C. MERRITT, X...
KENNETH E. MILEY, X...
JAMES A. MILLER, JR., X...
STEPHEN T. MILLER, X...
SAM M. MILLS, X...
JOHN S. MITCHELL III, X...
JOEL D. MODISETTE, X...
MARK C. MOHR, X...
MICHAEL S. MOLKENBUHR, X...
MARK C. MONTGOMERY, X...
ROBIN A. MOORE, X...
SCOTT P. MOORE, X...
MICHAEL T. MORAN, X...
PAUL S. MORGAN, X...
FRANK A. MORNEAU, X...
KENNETH V. MORRILL, X...
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MARK E. MORRISON, X...
EDWARD M. MORTON, X...
TERRY D. MOSHER, X...
DONALD C. MUELLER, X...
THOMAS E. MUELLER, X...
KEVIN P. MULCAHY, X...
ANTHONY J. MULLARKY, X...
THOMAS M. MUNNS, X...
STUART B. MUNSCH, X...
HAL C. MURDOCK, X...
BRADLEY T. MURPHY, X...
MICHAEL J. MURPHY, X...
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DAVID A. MURRAY, X...
MARY K. MURRAY, X...
WAYNE R. MUSOLF, X...
ROSS A. MYERS, X...
STEVEN J. MYERS, X...
WILLIAM R. MYSINGER, X...
JUAN A. NAVARRETE, X...
JOHN P. NEAGLEY, X...
RANDALL A. NEAL, X...
THOMAS C. NEAL, X...
MICHAEL J. NEIBERT, X...
MARK D. NEIGHBORS, X...
DAVID A. NELSON, X...
SCOTT M. NELSON, X...
DUANE E. NESTOR, X...
BRIAN D. NEUENFELDT, X...
KEVIN P. NEWMEYER, X...
NATHAN C. NICKERSON, JR., X...
RICHARD J. NISSEN, JR., X...
CHARLES E. NORBERG, JR., X...
JOHN B. NOWELL, JR., X...
MARK C. NYE, X...
JOHN C. NYGAARD, X...
WILLIAM M. O'CONNELL, X...
PAUL G. O'CONNOR, X...
JEFFREY A. OGUREK, X...
JOANNE T. OHERN, X...
MARK J. OLECHOWSKI, X...
CLIFFORD I. OLSEN, X...
GERALDINE L. OLSON, X...
JAMES M. OLSON, X...
LEE A. OLSON, X...
ANTHONY B. ONORATI, X...
WILLIAM P. ORR, X...
SCOTT C. ORREN, X...
WILLIAM D. ORTON, X...
JOHN P. O'SULLIVAN, X...
PETER G. OSWALD, X...
JAMES E. OTIS, X...
JOHN P. OTTERY, X...
DONALD R. OWENS, X...
JONATHAN M. PADFIELD, X...
MICHAEL J. PAGLIARULO, X...
STEVEN A. PARKS, X...
AMADO M. PARRA, X...
GARY R. PARRIOTT, X...
NEIL R. PARROTT, X...
JAMES R. PASCH, X...
JEFFERY L. PATRICK, X...
JAMES PAULSEN, X...
TYRONE PAYTON, X...
DAVID T. PEARSON, X...
MICHAEL R. PEASE, X...
JAMES A. PELKOFSKI, X...
WILLIAM L. PETERSON, X...
ERNEST P. PETZRICK, X...
FREDERICK W. PFIRRMANN, X...
SCOTT J. PHILLPOTT, X...
JONATHAN D. PICKER, X...
THEODORE O. PICKERILL II, X...
DAVID D. PIERCE, X...
CHRISTOPHER R. PIETRAS, X...
MARK W. PIVERAL, X...
ALLEN V. POLLARD, X...
SCOTT D. POLLPETER, X...
JOHN W. R. POPE II, X...
PAUL A. POVLOCK, X...
MARK E. POWELL, X...
MATTHEW J. PRINGLE, X...
JOSEPH L. QUIMBY, X...
THOMAS J. QUINN, X...
PATRICK C. RABUN, X...
ROBERT B. RABUSE, X...
ROY M. RADCLIFFE, X...
WILLIAM R. RADOMSKI, X...
VIVAN L. RAGUSA II, X...
PHILIP B. RAIMONDO, X...
ROBERT G. RAMSEY, JR., X...
THOMAS S. RANSOM, X...
PETER C. RASNICK, X...
TODD G. RATNER, X...
DAVID S. RATTE, X...
WILLIAM P. REAVEY, JR., X...
STEPHEN P. RECCA, X...
DANIEL J. REDGATE, X...
WILLIAM R. REDMOND, X...
GERARD J. REINA, X...
FREDERICK C. RESSEL, JR., X...
KEVIN D. REYNOLDS, X...
MARK M. RHOADES, X...
ALLEN S. RICE, X...
CHRISTOPHER W. RICE, X...
RONALD G. RICE, X...
PAUL R. RICHARDS, X...
DEAN A. RICHTER, X...
MICHAEL J. RIMMINGTON, X...
BRIAN L. RINALDI, X...
STEVEN C. RITCHIE, X...
MICHAEL D. RIVENBARK, X...
JOSEPH W. RIXEY, X...
JEFFREY L. ROBERTS, X...
SUE F. ROBERTSONTRUXAL, X...
RAYMOND M. ROBICHAUD, JR., X...
ROBERT G. ROBINSON, X...
RONALD B. ROBINSON, X...
ANTHONY C. RODGERS, X...
PATRIC K. ROESCH, X...
MICHAEL P. ROGERS, X...
PAUL E. ROWE, X...
DAVID H. RUEDI, X...
ENRIQUE L. SADSAD, X...
SUSAN B. SALE, X...
GEORGE J. SALITSKY, X...
MICHAEL J. SALTERS, X...
MICHAEL J. SALVATO, X...
WILLIAM D. SANDERS, X...
MICHAEL S. SASSCER, X...
KENNETH R. SAULT, X...
DEAN R. SAWYER, X...
THOMAS J. SCHAUDER, X...
CRAIG W. SCHMIDT, X...
DONALD A. SCHMIELEY, JR., X...
DAVID A. SCHNELL, X...
LEE W. SCHONENBERG, X...
CHRISTOPHER G. SCHREIBER, X...
STEVEN R. SCHREIBER, X...
DOUGLAS S. SCHROEDER, X...
JOHN T. SEGURA, X...
CRAIG M. SELBREDE, X...
DOUGLAS W. SELLERS, X...
DAVID M. SENDEK, X...
DONNA M. SENGELAUB, X...
PAUL D. SHANKLAND, X...
ALEXANDER V. SHARP, X...
CLIFFORD S. SHARPE, X...
JOSEPH M. SHAW, X...
DWIGHT D. SHEPHERD, X...
SUSAN L. SHERMAN, X...
CHARLES E. SHIRLEY, X...
GARY SHOMAN, X...
GREGORY A. SILVERNAGEL, X...
DAMON I. SINGLETON, X...
CHARLES J. SITARSKI, X...
JOHN M. SLAUGHTER, X...
STEVEN E. SLOAN, X...
DIXON R. SMITH, X...
LYNN E. SMITH, X...
RICHARD D. SMITH, X...
TIMOTHY T. SMITH, X...
CLAY J. SNAZA, X...
THOMAS P. SNYDER, X...
WILLIAM S. SPANN, X...
JAMES B. SPERRY, X...
GORDY A. SPIRES, X...
ANTHONY L. STAINBROOK, X...
JOHN P. STAMOS, X...
MICHAEL B. STANTON, X...
JAMES F. STASCAVAGE, X...
LEE A. STEELE, X...
GARLAND STEPHENS, X...
ROBERT STEPHENS, X...
CHARLES A. STERNBERG, X...
PAUL T. STEVENS, X...
JANET D. STEWART, X...
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ROBERT B. STEWART, X...
PETER L. STITT, X...
JAMES F. STONE, X...
JOANN M.T. STONE, X...
MARINUS STORM, X...
MICHAEL A. STRANO, X...
SCOTT C. STUART, X...
THOMAS D. STUART, X...
ROBERT A.J. STUBBLEFIELD, X...
PATRICK T. SULLIVAN, X...
RAYMOND E. SULLIVAN, JR., X...
SEAN C. SULLIVAN, X...
TIMOTHY W. SUMMERS, X...
SCOTT M. SUNDT, X...
ROBERT T. SUSBILLA, X...
JOEL T. SWANSON, X...
CHARLES D. SYKORA, X...
WILLIAM G.A. SYMPSON, X...
NORBERT E. SZARLETA, JR., X...
EDWARD L. TAKESUYE, X...
JOHN W. TAMMEN, JR., X...
MARGARET A. TAYLOR, X...
THOMAS J. TAYLOR, X...
DARIO E. TEICHER, X...
TUSHAR R. TEMBE, X...
CHRISTOPHER B. THOMAS, X...
GREG A. THOMAS, X...
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STEPHEN N. THOMPSON, X...
ERIC J. TIBBETS, X...
DAVID C. TILLER, X...
MARK T. TIMME, X...
KEVIN J. TOKARICK, X...
MATTHEW A. TOOMBS, X...
WALTER L. TOWNS, X...
IAN R.S. TOWNSEND, X...
JAMES E. TRANORIS, X...
MICHAEL S. TRENCH, X...
THOMAS R. TWOMEY, X...
DEBORAH S. VALLEZ, X...
BRIAN T. VANCE, X...
CHRISTOPHER L. VANCE, X...
GERARD M. VANDENBERG, X...
VINCENTIUS J. VANJOOLEN, X...
THOMAS L. VANPETTEN, X...
JEFFREY C. VIELOCK, X...
MICHAEL S. VILAND, X...
KEVIN L. VISSCHER, X...
MICHAEL J. VORMBROCKE, X...
PHILIP L. WADDINGHAM, X...
KEITH L. WAGONER, X...
MICHAEL G WALDHAUSER, X...
FLOYD K. WALKER, JR., X...
JOHN G. WALKER, X...
GEORGE J. WALTER, JR., X...
RICHARD W WALTER, II, X...
CURT R. WALTHER, X...
GARY K. WARING, X...
RICHARD J. WATKINS, JR., X...
GARY H. WATSON, JR., X...
NANCY H. WATSON, X...
CHRISTOPHER J. WATT, X...
THOMAS G. WEARS, X...
CHARLES D. WEBB, X...
PETER K. WEBB, X...
DIANE E. H. WEBBER, X...
MARY K. WESSLEN, X...
HUGH D. WETHERALD, X...
EDWARD A. WHALEN, X...
KENT D. WHALEN, X...
EDUARDO E. WHEELER, X...
JAMES B. WHITE II, X...
MICHAEL S. WHITE, X...
ANDREW S. WHITSON, X...
CYNTHIA L. WIDICK, X...
ROBERT N. WIEGERT, X...
KEITH J. WILDONGER, X...
NEIL R. WILEY, X...
BRUCE R. WILLHITE, X...
GARY H. WILLIAMS, X...
MARK H. WILLIAMS, XX...
MICHELE L. WILLIAMS, XX...
RICHARD L. WILLIAMS, JR., X...
DONALD E. WILLIAMSON, X...
WILLIAM C. WILLISTON, XX...
CARLENE D. WILSON, X...
MICHAEL M. WILSON, XX...
MICHAEL C. WISNIEWSKI, X...
BRIAN D. WITTICK, X...
FRANK A. WONDER, X...
JOHN R. WOOD, X...
ROBERT B. WOODS, X...
KENNETH A. WOS, X...
STEVEN R. WRIGHT, XX...
JAMES L. WYANT, X...
JANICE M. WYNN, X...
ROLAND J. YARDLEY, X...
JOSEPH A. YETTER, JR., X...
DONG J. YI, X...
MARSHALL S. YOUNG, X...
MAUDE E. YOUNG, X...
RICHARD S. YOUNG, X...
MICHAEL T. ZANSKI, X...
JOHN E. ZARBOCK, X...
ROBERT K. ZARING, JR., X...
DANIEL P. ZELESNIKAR, X...
KURT W. ZIEBARTH, X...
KEVIN S. ZUMBAR, X...

HOUSE OF REPRESENTATIVES—*Thursday, September, 10, 1998*

The House met at 10 a.m.

The Reverend Dr. Ronald F. Christian, Director of Lutheran Social Services of Northern Virginia, Fairfax, Virginia, offered the following prayer:

Almighty God, we acknowledge Your presence this day in our own personal lives and in our corporate soul as a Nation.

Your steadfast love has been extended to all people for all time, especially those most in need of it.

Your gracious mercy has been meted out evenly and fairly throughout all generations.

Your nature of being righteous towards all is matched only by the demand from Your children for justice.

The clarion call by the prophets of old "to return to the Lord" is always apropos.

O God, may we be as free to give as we are desirous to receive the blessings of Your steadfast love and gracious mercy.

May we all seek to do right, be just, and always walk humbly before Your all-encompassing righteousness.

And, may we never turn a deaf ear to the trumpet call for an introspective look at who we are as persons and as a Nation.

Bless, O God, the efforts of all Your people this day, in this room and in the workplaces of our land.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make a statement. With the concurrence of the Minority Leader, the Chair would take this occasion to make an announcement regarding proper decorum during debate in the House, including one-minute and special-order speeches, specifically with regard to references to the President of the United States.

As indicated in section 17 of Jefferson's Manual, which under rule XLII is incorporated as a part of the Rules of the House, Members engaging in debate must abstain from language that is personally offensive toward the President, including references to various types of unethical behavior.

Rulings in this Congress, which will be annotated in the accompanying section 370 of the House Rules and Manual, include references to alleged criminal conduct. This documented restriction extends to referencing extraneous material personally abusive of the President that would be improper if spoken as the Member's own words.

Occupants of the Chair in this Congress and in prior Congresses have consistently adhered to this principle regarding the present and past Presidents.

While several rulings by the Chair in this Congress may have predated certain public acknowledgments by the President, and while the standard in Jefferson's Manual has been held not to apply in the other body, it is essential that the constraint against such remarks in ordinary debate continue to apply in the House.

On January 27, 1909, the House adopted a report in response to improper references in debate to the President. That report read in part as follows:

The freedom of speech in debate in the House of Representatives should never be denied or abridged, but freedom of speech in debate does not mean license to indulge in personal abuses or ridicule. The right of Members of the two Houses of Congress to criticize the official acts of the President and other executive officers is beyond question, but this right is subject to proper rules requiring decorum in debate. Such right of criticism is inherent upon legislative authority.

The right to legislate involves the right to consider conditions as they are and to contrast present conditions with those of the past or those desired in the future. The right to correct abuses by legislation carries the right to consider and discuss abuses which exist or which are feared.

It is * * * the duty of the House to require its Members in speech or debate to preserve that proper restraint which will permit the House to conduct its business in an orderly manner and without unnecessarily and unduly exciting animosity among its Members or antagonism from those other branches of the Government with which the House is correlated.

This is recorded in Cannon's Precedents, volume 8, at section 2497, and is quoted in section 370 of the House Rules and Manual.

In addition to relying on the precedents of the House, the Chair would comment on the importance of comity and integrity of debate in the House in an electronic age. Debates in the House were not broadcast by radio or television before 1978. There were correspondingly fewer occasions when Members were called to order for improper personal references to Presidents. In 1974, there were no allegations of personal misconduct on the part of the President called to order on the floor before or during proceedings in executive session of the Committee on the Judiciary.

Indeed, it is only during the actual pendency of proceedings in impeachment as the pending business on the Floor of the House that remarks in debate may include references to personal misconduct on the part of the President.

While an inquiry is under way in committee, the committee is the proper forum for examination and debate of such allegations. In the meantime, it is incumbent on the House to conduct its other business, again quoting from the action of the House in 1909, "in an orderly manner and without unnecessarily and unduly exciting animosity among its Members or antagonism from those other branches of the Government with which the House is correlated."

This is not to say that the President is beyond criticism in debate, or that Members are prohibited from expressing opinions about executive policy or competence to hold office. It is permissible in debate to challenge the President on matters of policy. The difference is one between political criticism and personally offensive criticism. For example, a Member may assert in debate that an incumbent President is not worthy of reelection, but in doing so should not allude to personal misconduct. By extension, a Member may assert in debate that the House should conduct an inquiry, or that a President should not remain in office. What the rule of decorum requires is that the oratory remain above personality and refrain from terms personally offensive.

When an impeachment matter is not pending on the floor, a Member who feels a need to dwell on personal factual bases underlying the rationale on which he might question the fitness or competence of an incumbent President must do so in other forums, while conforming his remarks in debate to the

more rigorous standard of decorum that must prevail in this Chamber.

The Chair will enforce this rule of decorum with respect to references to the President, and asks and expects the cooperation of all Members in maintaining a level of decorum that properly dignifies the proceedings of the House.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 one-minutes on either side.

IN SUPPORT OF PAUL MCHALE

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

Mr. BUYER. Madam Speaker, I rise today as a Republican in strong support of my Democrat colleague, my fellow veteran and my friend, the gentleman from Pennsylvania (Mr. MCHALE). I rise to defend the gentleman because as an individual who admires the virtues of honor, courage and commitment wherever they are found, in Congressman PAUL MCHALE they are found in abundance.

Last month, the gentleman from Pennsylvania (Mr. MCHALE) called for the President's resignation stating that, "perjury is not excused by an apology compelled by overwhelming evidence and delivered under pressure."

The gentleman from Pennsylvania (Mr. MCHALE) has served this country in uniform as a Marine and as public servant. He is a man of honor, courage and commitment who has stood fast to his convictions.

These convictions have led the gentleman from Pennsylvania to examine the course of conduct by the President and to reach a somber conclusion. As a member of the Committee on the Judiciary, I, like others in this body perhaps are still examining, soul searching and analyzing the case, and that is also appropriate. However, what is reprehensible is the vilification to which Congressman MCHALE has been subject for exercising his First Amendment rights and voicing the views of his constituents.

The gentleman from Pennsylvania (Mr. MCHALE) has had his military record slandered. Rumors and innuendos have been whispered about his reputation. All of this White House mudslinging, because Congressman MCHALE has put honor above party loyalty.

These are times when every ounce of wisdom and courage will be required by all. It is not a time for smears on character when voices of conscience are raised.

I admire the honor, courage and commitment of Congressman MCHALE. To the President, order and stop these character assassinations by your staff and the defense team.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). The Chair would remind the Member not to refer to the words of others which refer to the personal conduct of the President.

NEW MORAL STANDARD TO REPLACE TRUTH AND JUSTICE

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

Mr. TRAFICANT. Madam Speaker, from the military to the Oval Office, America now has a new moral standard: Do not ask, do not tell. Do not ask, do not tell. What is next, Madam Speaker? Cannot ask, will not tell? Beam me up.

The First Amendment was never intended to hide truth. The First Amendment was intended to promote and preserve truth and justice.

□ 1015

No wonder that values and morals in America have gone to hell. Just think about it. Congress aided and abetted this whole process when they removed God from our schools. Now we face the test, the test of morals and values.

ELIMINATE THE MARRIAGE TAX PENALTY

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

Mr. WELLER. Madam Speaker, let me ask a basic question of fairness: Is it right, is it fair, that the average married working couple with two incomes pays higher taxes, just because they are married, than an identical couple living together outside of marriage? Is it right that 21 million married working couples pay on the average $1,400 more in taxes just because they are married? $1,400 in the south suburbs in Chicago, that is one year's tuition at Joliet Junior College, three months' worth of day care at a local day care center in Joliet.

In the remaining weeks of this session let us go about doing the people's business. Let us ask the President to work with us. Let us help the middle class with the Marriage Tax Penalty Elimination Act. Let us eliminate the marriage tax penalty. Let us do it now, and make it our top priority in the next few weeks.

URGING MEMBERS TO JOIN THE CONGRESSIONAL MINING CAUCUS, PRESERVE JOBS, AND BRIDGE THE KNOWEDGE GAP ON MINING

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

Mr. GIBBONS. Madam Speaker, whether it is just the pocket change in our purses or pockets, or our Nation's highways and bridges, or our personal computers, minerals are paving our Nation's way into the 21st century. Without the minerals and materials supplied by the mining industry, Americans could not have that small change in their pocket, bridges, roads, or that personal computer.

However, the mining industry yields more than just small change. In addition to acquiring metals for coinage, Uncle Sam reaps more than $57 million in annual receipts from the mining industry. This does not include the $27 million in State and local government collections from mining industry revenues.

Mining contributions to our Nation do not stop there. Mining in all forms pumps $524 billion into the American economy. That is equivalent, Madam Speaker, to $60 million an hour from mining.

Mining matters. It matters to each Member, it matters to Congress, and it matters to every American. I ask my congressional colleagues to join the Mining Caucus.

TIME TO PASS FURTHER TAX RELIEF AND HOLD THE LINE ON SPENDING

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

Mr. HERGER. Madam Speaker, last summer Congress passed the Taxpayer Relief Act. This legislation cuts taxes on every stage of life, providing for a $500 per child tax credit, a reduction on the family farm and family businesses at the same time of death, and a reduction in the tax on capital gains.

But Congress should go further. America is overtaxed. Not only is America overtaxed, but middle class families in particular are overtaxed. The economy is projected to produce a significant surplus over the next 5 to 10 years, and Congress should use some of that money for tax cuts.

There are many politicians in Washington who cannot wait to get their hands on that surplus so they can do what they always do with taxpayers' money, spend it. Washington is not careful with the taxpayers' money. It wastes too much, and it never seems to be held accountable for its failures.

It is time to change direction. We need to pass further tax relief, and we need to hold the line on spending. I urge my colleagues to support the Republican package of middle-class tax cuts.

CALLING FOR FURTHER TAX RELIEF FOR AMERICANS

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

Mr. SHIMKUS. Madam Speaker, we recently marked the first year anniversary of the Taxpayer Relief Act, the first major tax reduction since the Reagan tax cuts of the 1980s. Let us face it, there would have been no tax cut at all were it not for a Republican Congress.

In fact, the last time the Democrats controlled Congress they did what Democrats can be expected to do, raise taxes. The Republican Party is the party of tax cuts, the Democrat party is the party of bigger government and higher taxes; two different directions, two different visions of what the people's representatives in Washington should do with other people's money.

Last year tax cuts were only a first step. The Taxpayer Relief Act reduced the tax on capital gains, cut the estate tax, expanded IRAs for middle class savers, provided a $500 per child tax cut, and passed into law a host of other tax reductions. But this Congress would like to go further. We should eliminate the marriage tax penalty and pass more tax relief for middle class taxpayers.

THE "SCARE ME AL" DOLL

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

Mr. PETERSON of Pennsylvania. Madam Speaker, it seems each holiday season a hot new toy or doll takes the Nation by storm. Parents and kids line up and pay hefty prices for the item of the season. If it is not beany babies, it is a doll called Tickle Me Elmo.

If the Vice President has his way, this year's sensation will be a new doll called Scare Me Al. Scare Me Al is a carved wooden doll with one of those pull strings connected to prerecorded messages for our kiddies. It says things like, "Today was the hottest day in the history of the world." Pull the string again and Scare Me Al will tell your kids that unless you get rid of that sport utility vehicle that mom uses to drive them to soccer practice, the ice caps will melt and raise the sea levels until we all drown.

Scare Me Al is the perfect companion for all of the EPA taxpayer-printed coloring books and other literature which relate the same frightening global warming scare stories to the children K through 12. As for me, Madam Speaker, I would rather take my chances with the Clinton Justice Department, and buy my grandkids a new game of monopoly.

URGING INDONESIAN GOVERNMENT TO INVESTIGATE CRIMES AGAINST MINORITIES

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

Mr. PITTS. Madam Speaker, I rise today to express concern for the victims of the rapes and riots in Indonesia, and to stand with those victims, the Chinese ethnic community, the Christian, and the other religious minority communities.

Yesterday I was briefed by Indonesians themselves on what is happening in their country. In the last 3 months, 15 churches have been destroyed or burned since Habibie has been in power. I want to join with those Indonesians and the Chinese people worldwide in condemning these gross violations of human rights, in particular, the raping of ethnic Chinese women.

Reliable reports suggest that the attacks on ethnic and religious minorities were orchestrated. Unfortunately, individuals and organizations which are assisting these victims have been harassed, threatened with phone calls, explosives, and even death should they continue to help the victims.

Madam Speaker, I urge the Indonesian government immediately to proceed with a thorough investigation to promptly bring to justice all individuals who are associated with or who are perpetrators of these crimes against minorities.

REGARDING TAX REFORM AND SOCIAL SECURITY

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

Mrs. CUBIN. Madam Speaker, now that both Houses of Congress are back in session, I believe one of the primary goals that we should set our sights on is providing an across-the-board tax cut for all Americans. The Clinton administration has said that they do not support any tax cuts until Congress has made sure that Social Security is solvent for the so-called baby boomer generation, of which I am one.

Madam Speaker, I believe we can achieve both of these goals. With an anticipated budget surplus of $1.6 trillion over the next 10 years, there is no doubt in my mind that we can continue to have a balanced budget, begin paying down the national debt, provide tax relief for hard-working Americans, and maintain the solvency of our Social Security program.

Simply by paying off our $5 trillion national debt, which probably is not all that simple, and maintaining budgetary balance, the future of Social Security will be secure for Americans into the next century.

There is a plan being offered by the gentleman from Texas (Mr. SAM JOHNSON) and the gentlewoman from Connecticut (Mrs. NANCY JOHNSON) which will achieve these worthy goals. While their proposal is not everything I would envision in the way of tax reform, it is a good step in the right direction.

THE JONES ACT

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

Mr. SMITH of Michigan. Madam Speaker, I rise today to talk about an act known as the Jones Act. The Jones Act is an act passed by Senator Jones of Washington as a floor amendment in the Senate in 1920. It is a protectionist act that requires that any transportation of goods by ship between any two U.S. ports has to be on a ship made in the U.S.A., manned by U.S. sailors, paying U.S. taxes, et cetera.

I have legislation that is going to tremendously make a difference in helping farmers this fall and next year that says, let us allow these vessels to be built anyplace in the world to transport these agricultural commodities, still require that they be manned by U.S. crews, that they be American-owned, American-flagged, pay all American taxes, and comply with environmental laws.

Agriculture is going through a tremendously depressed time. We cannot afford to further depress those commodity prices by limiting the transportation to move these goods between U.S. ports.

MIGRATORY BIRD TREATY REFORM ACT OF 1998

Mr. DIAZ-BALART. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 521 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 521

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. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended

by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), 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.

Madam Speaker, House Resolution 521 is an open rule providing for the consideration of H.R. 2863, the Migratory Bird Reform Act of 1998. The purpose of the bill is to codify a uniform standard to determine when someone is guilty of hunting migratory birds on a baited field.

The rule provides the customary 1 hour of debate, equally divided and controlled by the chairman and the ranking minority member of the Committee on Resources. The rule makes in order for the purposes of amendment the substitute recommended by the Committee on Resources now printed in the bill which shall be considered as read.

In addition, the rule permits the Chair to grant priority in recognition to members who have preprinted their amendments, and considers them as read. Further, as has become standard practice for open rules, the Chair is allowed to postpone recorded votes and reduce the time for electronic voting on postponed votes. Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, I am pleased that the House is able to consider legislation today that enjoys wide bipartisan support. H.R. 2863 is needed to clarify baiting restrictions under the 1918 Migratory Bird Treaty Act, which is the United States law which implemented the convention for the protection of migratory birds signed in 1916 by the United States, and on behalf of Canada, by Great Britain.

□ 1030

A curious provision which has caused some controversy in the 80 years since Congress passed the Migratory Bird Act involves the hunting of birds over fields that have been illegally baited to attract these migratory birds.

I am not a hunter, but hunters are well aware that hunting migratory birds over bait is considered unsportsmanlike and is illegal. This is not in dispute and will remain illegal under this bill. The problem, however, arises when a hunter was truly unaware of the nearby bait. The current Fish and Wildlife regulations provide no possible defense for a hunter who may have been legitimately and completely unaware that someone else may have scattered corn, for example, in a nearby field. Simply possessing a loaded firearm in a nearby field is enough to convict a hunter of a crime in most States.

H.R. 2863 seeks to bring some common sense and uniformity to baiting regulations. The bill applies a single standard that make it unlawful for a person to hunt over a baited field if that person knows or reasonably should know that the area is baited, and also makes it unlawful for someone to place that bait in the field for the purpose of attracting migratory birds for hunters.

Madam Speaker, I urge my colleagues to support this rule. I guess it could be referred to as the House version of the Byrd rule.

Madam Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Madam Speaker, I yield myself such time as I may consume, and thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this time.

Madam Speaker, this resolution is an open rule. It will allow for full and fair debate on H.R. 2863. As the gentleman from Florida has described, this rule will provide 1 hour of general debate to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Resources.

The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments.

As my colleague said, this bill amends and clarifies a provision of the Migratory Bird Treaty Act which restricts the hunting of birds over fields that have been baited with food to attract them. The U.S. Fish and Wildlife Service has concerns about this bill because it will preempt the service's ability to issue regulations. Also some animal welfare advocates believe the bill would harm waterfowl populations.

Because the bill will be considered under an open rule, Members will have the opportunity, they will be able to offer improving amendments. This is an open rule, as I said before. It was adopted by the Committee on Rules by voice vote. I urge its adoption.

Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. DIAZ-BALART. Madam Speaker, I also yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. DIAZ-BALART). Pursuant to House Resolution 521 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. 2863.

□ 1034

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. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes, with Mrs. EMERSON 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 New Jersey (Mr. SAXTON) and the gentleman from California (Mr. MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

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

Madam Chairman, I rise in strong support of H.R. 2863, a bill introduced by the gentleman from Alaska (Chairman YOUNG) to reform the Migratory Bird Treaty Act. He has been joined in this effort by a number of colleagues, including the gentleman from Michigan (Mr. DINGELL), the gentleman from Tennessee (Mr. TANNER), the gentleman from Florida (Mr. STEARNS), the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Minnesota (Mr. PETERSON).

Madam Chairman, it has been 80 years since Congress enacted this law to conserve migratory birds. It is a good law and it has worked. During this time, the U.S. Fish and Wildlife

Service has issued many regulations dealing with the harvest of migratory birds. The vast majority of these regulations were proposed by the hunting community, and as such, they have worked.

The Federal courts, however, impose a rule which is referred to as the rule of strict liability on those accused of hunting migratory birds over bait. It is this rule of strict liability that this reform act seeks to change. I would like to say at this point that the basic bill, the law itself and the provisions it imposes, are not changed at all.

For example, the term "baiting" is defined in the current law and the definition remains the same. And just for the purpose of clarification, I would like to state what that rule is. Baiting is defined and it says, "No person shall take migratory bird by the aid of baiting, which means the placement or scattering of corn, wheat, or other feeds so as to constitute a lure, attraction or enticement to any areas where hunters are attempting to take them," "them" referring of course to migratory waterfowl. That provision remains intact as it is and as it has been and as it has worked well.

However, the Federal court's imposition of a rule of strict liability of those accused of hunting migratory birds under bait as defined by the words I just read has not worked well, at least in the opinion of those of us who support this bill.

What this means is that if a hunter is there in a location and bait is there, the hunter is guilty. There is little opportunity for defense. The court rules the bait was there, the hunter was there. Whether or not the hunter knew the bait was there is irrelevant, and the guilty verdict applies.

Further, conviction under this act is a Federal criminal offense and penalties may include a fine of up to $5,000 and 6 months in jail. This is strict liability interpretation. "If you are there, you are guilty" is fundamentally wrong under our American system of laws, law enforcements, and jurisprudence. It violates one of our most basic constitutional protections, that a person is innocent until proven guilty. Strict liability has a chilling effect, therefore, on thousands and thousands of law-abiding citizens.

Let me just put forth a couple of examples about how unfair this rule is. Baiting is illegal. It will continue to be illegal. And unfortunately, there will be those who take part in the practice of baiting, I suppose thinking they will never be caught. So let us just assume for a moment that someone in the Midwestern part of the country decides they want to hunt for Canadian geese. As we know, Canadian geese love to eat corn. And if a flock of Canadian geese, Canada geese, become accustomed to feeding in a field every morning at 6:30 a.m., because somebody goes out and spreads corn around every afternoon at 6 p.m., the flock comes back again and again and again. And those who bait and who are illegally hunting there, I suppose, benefit from the fact that they are getting away with this baiting.

Now, let us just suppose for a moment that on their way home from school some 16- or 17-year-old boys who love to hunt notice that this is a prime spot for hunting. It is so because every morning on the way to school they see this hunting activity taking place and they say to themselves, tomorrow morning, on Friday, let us go to that field because it must be a wonderful place to hunt. So the teenagers show up, they get in a blind, and along come the snow geese followed by a game warden.

The teenagers are there doing their hunting which they think is totally legitimate because they had no idea that the baiting has taken place. The warden shows up, arrests the teenagers, and they go to court and they are found guilty with no reference whatsoever to whether or not they knew the baiting had occurred. They were there, the bait was there, and therefore they were guilty. There are many other examples like this that could be used, but I think that example makes the point.

At the full Committee on Resources markup, the gentleman from Alaska (Chairman YOUNG) offered an amendment that limited the scope of the bill to the two issues that can be resolved through this legislative process. The first is to replace this strict liability, if the hunter was there and the bait was there, the hunter is guilty, to replace this liability with the phrase that the person knew or should have known that the baiting had taken place.

The second provision improves the current law by making it unlawful to place or direct the placement of bait. This will allow the service to cite those commercial operators who intentionally bait a field without the knowledge of the hunter.

Madam Chairman, I believe that every American is innocent until proven guilty and that people should be entitled to offer evidence in their defense. I hope that others will agree with this provision. It is the right thing to do and the "knows" or "reasonably should know" standard will be effectively applied throughout this Nation. There is no justification for the strict liability doctrine in this case when it refers to these migratory birds, and I hope that my colleagues on both sides of the aisle will agree and vote "yes" on this measure.

Madam Chairman, I submit the following for the RECORD:

CALIFORNIA WATERFOWL ASSOCIATION,
Sacramento, CA, July 10, 1998.

Hon. DON YOUNG,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN YOUNG: The California Waterfowl Association (CWA) is pleased to support HR 2863, your effort to obtain changes in federal migratory bird baiting regulations to provide hunters, wildlife managers, farmers, law enforcement officials, and the courts with enhanced clarity and guidance as to the restrictions on the taking of migratory birds.

CWA supports the intent of regulations aimed at preventing baiting for the purpose of increasing the vulnerability of waterfowl to the gun. However, our Association has long recognized that current regulations, if actively enforced, would likely result in negative impacts to California's critical remaining managed wetland base, as well as unwarranted prosecution of law abiding sportsmen and women. Of primary concern are ambiguities in the current regulations which conflict with traditional "moist-soil" wetland management practices which are intended to augment habitat values for waterfowl and other wetland-dependent wildlife. Because California has lost nearly 95% of its historic waterfowl habitat, it is critical that the wetland values and functions of the habitat base which remains be maximized. Currently, however, confusion over the meaning and enforcement of these regulations is compromising the willingness of many landowners to employ preferred waterfowl habitat management practices on their lands.

In an effort to address these concerns, for nearly three years, CWA and others have actively urged the U.S. Fish and Wildlife Service (Service) to consider changes in federal baiting regulations. As you are aware, this past March, the Service responded by offering for comment a variety of amendments to the existing rules. Our Association applauds the Service for this proposal which addresses many of our concerns regarding conflicts with preferred wetland management practices. Although the Service proposal needs further clarification, we believe our remaining concerns in this area can be addressed administratively during the proposal's public comment process.

The Service's proposal does not, however, address another area of concern to our Association—the issue of strict liability. Existing regulations are written in a "guilty until proven innocent" fashion which has, at times, resulted in law abiding hunters being unreasonably prosecuted for baiting. By proposing to amend the rule to install the "knows or reasonably should know" standard, your HR 2863 effectively addresses this concern by allowing those who believe they were unfairly cited to present their case in court.

Our Association appreciates your willingness to carefully address the outstanding issue of strict liability without weakening the important intent of current restrictions, or the protection they offer the waterfowl resource. As such, we are pleased to offer this legislation our support, and we look forward to working closely with you to secure its passage.

Sincerely,

BILL GAINES,
Director, Government Affairs.

THE GRAND NATIONAL WATERFOWL ASSOCIATION,
Cambridge, MD, May 13, 1998.

Hon. DON YOUNG,
Rayburn HOB, Washington, DC.

DEAR CONGRESSMAN YOUNG: The Grand National Waterfowl Association was chartered in 1983 as a private, non-profit organization. The organization's purpose is to promote the conservation and wise use of our wildlife and natural resources and to promote a better

understanding of our responsibilities to the land. Grand National has members both from the local community as well as across the United States and several from foreign countries.

We understand that the Resources Committee is reporting out H.R. 2863 amending the Migratory Bird Treaty Act, and that this legislation will provide some much needed clarification on the "baiting" issue. Over the past 50 or so years this has been one of the most vexing problems for the sportsman due to inconsistencies in enforcement and in court decisions.

Let me assure you we have no quarrel with the intent of the Migratory Bird Treaty Act, but the implementation has caused unnecessary confusion and resulting injustices for many sportsmen. We hope the "strict liability" and "zone of influence" issues are clarified in the legislation and that the legislation is acted upon before another waterfowl season of uncertainty.

Sincerely,

ROBERT GORMLEY,
President.

INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES,
Washington, DC, April 29, 1998.

Hon. DON YOUNG,
Chairman, House Resources Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: I recently discussed with Harry Burroughs of your staff the recommendations of the International Association of Fish and Wildlife Agencies on the issue of baiting as it relates to waterfowl hunting. As you know, our concern with this matter goes back several years and eventually led to the Association's establishment in 1996 of an ad hoc Committee on Baiting. This committee completed its work with the submission of a final report on April 29, 1997 that presented recommended changes in federal waterfowl hunting regulations. The recommendations in this report were adopted by the Association's Executive Committee as the official position of the Association. On May 15, 1997, Brent Manning, Chairman of our ad hoc Committee and Director of the Illinois Department of Natural Resources, testified before your Committee on H.R. 741 and presented the recommendations of the Association's committee on baiting. I am enclosing a copy of this report for your ready reference.

I believe it is significant that the ad hoc committee recommended that consistency be brought to the application of hunter's liability by adoption of the Delahoussaye language from the federal Fifth Circuit. The Association's recommendations contained in the ad hoc committee's report are generally contained in your amendment in the nature of a substitute for H.R. 2863, which you recently introduced and which is consistent with the Association's position regarding liability.

We appreciate your leaving the detailed recommendations regarding agricultural crops and management of natural vegetation to the regulatory process. As Mr. Manning indicated in his testimony, it is likely that these will need to be modified and fine tuned to reflect changing agricultural practices.

As you are aware, the Fish and Wildlife Service recently published proposed regulations on baiting and baiting areas in the Federal Register. Those proposed regulations reflect a number of the recommendations of our ad hoc Committee regarding agricultural crops and management of natural vegetation. Unfortunately, the proposed regulations do not reflect changes recommended by the Committee regarding liability. Our Association has officially requested that the 60-day comment period be extended until October 1, 1998, so that we can have time to conduct and coordinate an adequate review. We were disappointed that the Service did not address the liability issue in their draft regulations, even though we had requested earlier that they do so. We will comment on the draft regulations based on our ad hoc Committee report. In the meantime, the report of the ad hoc Committee as adopted by the Association constitutes the official position of the Association.

I hope that the information I have provided is useful and look forward to working with you on this and other important issues that we face.

Sincerely,

R. MAX PETERSON,
Executive Vice President.

ILLINOIS DEPARTMENT OF NATURAL RESOURCES,
Springfield, IL, April 29, 1998.

Hon. DON YOUNG,
Chair, Committee on Resources, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN YOUNG: As the Chief Law Enforcement Officer for the Illinois Department of Natural Resources, I wish to go on record in support of H.R. 2863 (as amended). As a career Conservation Law Enforcement Officer, I know first hand the strengths and weaknesses of our current federal baiting regulations. If Congress adopts the Delahoussaye standard for waterfowl baiting regulations, a serious and longstanding weakness will have been remedied.

Some opponents of your bill object on the basis that law enforcement officers will have to work much harder to make good baiting cases. In my opinion, in a free society like ours, ease of enforcement should not be a standard that is applied when evaluating a law. Rather, we should seek to enact common sense laws that treat sportsmen fairly, and protect our precious natural resources first and foremost. I believe your amended bill meets all of these criteria.

I thank you for your support of waterfowl and wetland management and the hunting opportunities they provide.

Sincerely,

LARRY D. CLOSSON,
Chief, Office of Law Enforcement.

ILLINOIS DEPARTMENT OF NATURAL RESOURCES,
Springfield, IL, April 27, 1998.

Hon. DON YOUNG,
Chair, Committee on Resources, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN YOUNG: As Director of the Illinois Department of Natural Resources, I am writing to express my support specifically for the component of H.R. 2863 addressing the issue of strict liability for waterfowl hunting. I am a wildlife biologist, chairman of a committee reviewing federal baiting regulations, and an avid waterfowl hunter. In these capacities I have been exposed to a considerable amount of information regarding the application of strict liability in the enforcement of federal baiting regulations. It is my opinion that the so-called Delahoussaye standard should be adopted in place of the current strict liability regulation. This change will not put the waterfowl resource at risk, as some allege. I applaud your attempt to bring common sense and fairness to this aspect of waterfowl hunting. Please be assured of my support in this regard.

Sincerely,

BRENT MANNING,
Director.

MIGRATORY WATERFOWL HUNTERS, INC.,
Alton, IL, June 18, 1998.

Hon. JOHN SHIMKUS,
State Representative, Springfield, IL.

DEAR REPRESENTATIVE SHIMKUS: HB 2863 removes the "strict liability" clause from the migratory bird hunting regulations as proposed by the U.S. Fish and Wildlife Service in the Federal Register. Migratory Waterfowl Hunters, Inc. strongly urges you to vote in favor of this bill.

Far too many duck and goose hunters have been arrested and wrongly convicted of baiting waterfowl because the "strict liability" clause renders a sportsman guilty before proven innocent. H.R. 2863 will take the guess work out of this law enforcement issue and cause conservation police officers to focus on the real criminals.

Once again, please support H.R. 2863, Congressman Don Young's bill to remove the "strict liability" clause from migratory bird hunting regulations.

Sincerely,

GREG FRANKE,
Corresponding Secretary.

NATIONAL RIFLE ASSOCIATION OF AMERICA,
Fairfax, VA, May 5, 1998.

Hon. DON YOUNG,
Chairman, House Resources Committee, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: On behalf of the National Rifle Association of America (NRA), I would like to convey our appreciation to you for the commitment you have made to reforming the baiting rules governing the hunting of migratory birds.

We wish to congratulate you on the passage of your bill, HR2863, as amended, from the Resources Committee on April 29. The NRA has long been an active and enthusiastic supporter of legislative reform in this area. It has been our pleasure to work with your staff to meet your stated objective of providing clarity, simplicity and uniformity to the enforcement of the baiting rules.

While we anticipated having the legislation reported from your Committee last year, we supported your decision to give the US Fish and Wildlife Service one last opportunity to reform the baiting rules through the regulatory process. We were very disappointed to find that the publication of the proposed rule on March 25 gave truth to our suspicions that the Service will never step in where reform is most needed.

All of us, including the Service, have known from the beginning that the core of the issues surrounding enforcement of the baiting rules has been the application of the doctrine of strict liability. It is regrettable that the Service buckled under pressure from its law enforcement agents and refused to propose the *Delahoussaye* standard for public review and comment. As we stated in our comments to the Service on the proposed rule, "the NRA can only surmise that the Service fully intends to have the Congress resolve the issue by codifying the *Delahoussaye* standard through the legislative process."

HR 2863, as amended, not only acknowledges the work left uncompleted by the Service, but also acknowledges the fact that

many of the reforms in the parent bill were adopted in the proposed rule. While the NRA has already stated that is supports HR 2863 as introduced, we are also supportive of the narrower version that now awaits House Floor action.

Again, on behalf of the NRA, I extend the appreciation of our 2.8 million members for your efforts on behalf of the hunting community.

Sincerely,

SUSAN R. LAMSON,
Director, Conservation, Wildlife and Natural Resources.

SAFARI CLUB INTERNATIONAL,
Herndon, VA, April 28, 1998.

Chairman DON YOUNG,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN YOUNG: Safari Club International urges you to pass without delay The Migratory Bird Treaty Reform Act.

Several recent incidents indicate that the "strict liability" language of the existing regulations has led to prosecution of sportsmen that are unfair and that do not aid the conservation of the migratory birds.

The Service had promised to administratively correct the situation, but to date they have failed to do so. As late as the end of March, the Chairman of the Resources Committee had urged the Service to provide Congress with a solution that would correct the unfiar components of the regulations. Despite repeated promises from the Service to address the inequities of the current regulations, their recent proposed amendment does not address the issue. It is evident that Congress must act.

Sportsmen and hunters are only asking that they be treated as fairly as all other Americans and that they only be found guilty if they knew or should have known that bait had been placed. The language of The Migratory Bird Treaty Reform Act assures that hunters will remain innocent until proven guilty.

Safari Club International requests that you change this unfair and punitive law.

Sincerely,

ALFRED S. DONAU, III,
President-elect.
HON. RON MARLENEE,
Consular.

THE WILDLIFE LEGISLATIVE FUND OF AMERICA,
Columbus, OH, May 8, 1998.

Hon DON YOUNG,
Chairman, Committee on Resources, House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR MR. CHAIRMAN: The Wildlife Legislative Fund of America strongly endorses H.R. 2863 to eliminate strict liability as it relates to the baiting proscriptions of the Migratory Bird Treaty Act. Strict liability, which enables convictions against unknowing and innocent hunters, is wholly inconsistent with principles of American law. The need for this reform has long been recognized, but neither the U.S. Fish and Wildlife Service nor other Members of Congress have been willing to provide the requisite leadership. We applaud your effort and the leadership you have demonstrated.

We are committed to working with you and the Committee to assure favorable House action on this important measure.

Sincerely,

WILLIAM P. HORN,
Director, National Affairs and Washington Counsel.

Madam Chairman, I reserve the balance of my time.

Mr. MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in opposition to this legislation, H.R. 2863. This bill changes a 60-year-old standard of strict liability for hunting migratory birds over bait, a standard that has provided effective protection of migratory birds from the overkill that can result from baiting. The law places the burden of guarding against unsportsmanlike hunting practices where it properly lies, with the hunter.

This bill is a product of a few anecdotes, and we will likely hear some of them as we already have this morning. The real issue here is much broader. The important issue is whether or not in changing this law, as this bill proposes, will allow us to maintain the enforcement of the law against harming migratory birds. That is the purpose of this law. It is for the protection of the migratory birds, a protection that runs to the Nation generally, not just to the question of the activities of hunters.

Notwithstanding these few anecdotal pieces of evidence, the supporters of this bill have not made a convincing case that there is a crisis that needs addressing. The paramount public interest in protecting migratory birds for all the American public, not just hunters, has traditionally warranted a high standard of protection embodied in strict liability and, with one exception, the courts have upheld this standard.

In fact, when the Congress had an opportunity to review this in previous Congresses, they inserted the "knowing" standard with respect to felony activities under the Migratory Bird Treaty, but they did not do that with respect to the misdemeanor portions, which indicates clearly that Congress understood the importance of this provision of the law.

The bill before the House today is an improvement over the bill as it was introduced, which would have substantially weakened the protection of migratory birds. The amendment makes it a violation to place bait for migratory birds if one knows it will be hunted over. This will make it easier to prosecute the real bad actors, that small number of property owners guides, and hunt club personnel who unlawfully try to improve hunting through baiting.

However, a number of law enforcement personnel charged with protecting migratory waterfowl tell me that they think this bill is ill-advised and will seriously complicate their job of battling illegal hunting. I am very concerned that this bill ignores the views of the hard-working law enforcement people and makes sweeping changes in the law based on a few isolated cases.

The Fish and Wildlife Service is in the process of revising its baiting regulations to address legitimate concerns that have been raised by the hunting community. It strikes me that it would be appropriate to withhold action on this legislation to allow the service to promulgate those regulatory changes.

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For these reasons, and others, Madam Chairman, I oppose this legislation. I voted for this legislation as it has come out of the committee as it is presented here. I think it is an improved bill. But from discussions with those which are charged with enforcing this legislation, I think it has also become clear that there can be serious jeopardy attached to the passage of this legislation and the future of migratory birds. And that is certainly our first charge and our first concern.

Let me also say that, as suggested very often, that this is all about innocent, innocent people. If you look in the back of even some of the anecdotal evidence that was submitted to the Congress and one of the cases about individuals that were arrested and prosecuted under this law, these were not exactly innocent individuals. Many of them knew full well and it was so incredibly obvious what had taken place in this field for the purposes of these hunts.

I have hunted for many years, and let me say that people in the hunting community know very well those clubs that bait, those clubs that boast about it. Those clubs that have tried to increase their take by being responsible hunters do not go to those clubs. They do not participate in that activity.

One of the reasons they do not is because of this law. But if they can go there and claim that they are ignorant of everything the land owner did, the club owner did, or the guide did, then they are free to continue that practice and claim ignorance under the law.

Strict liability is not unconstitutional. It is not foreign to the Constitution. It has been upheld. In fact, it is a doctrine that we use very often. We use it with respect to this treaty. We use it with respect to governmental officials.

That is how the Kesterson Reservoir was shutdown when unsafe practices were there with respect to water pollution because people knew that people would be put in jeopardy if they continued those practices to harm migratory birds.

So I think, while this is a better piece of legislation than it was originally introduced, I think it interrupts a process that I think is more thoughtful and deliberative that the Fish and Wildlife Service is undertaking.

I expect the desire to undertake that has been prompted by the introducing of this legislation by the chairman of our committee having these hearings and reporting this bill, and I think that they will, in fact, be responsive to that effort.

At a minimum, I would think that this is the kind of legislation if we were to pass it we would want to provide for some kind of sunset so we had an ability to review the impact of this legislation.

For those reasons and others, Madam Chairman, I will be opposing this legislation.

Madam Chairman, I reserve the balance of my time.

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

Madam Chairman, I would just like to say to the gentleman, through the Chairman of course, that I think that a matter of fairness applies here and that it is crucial that the strict liability provision be replaced. I am not alone in feeling that way. As a matter of fact, I have here a letter from the Illinois Department of Natural Resources from their chief officer of law enforcement. I would just like to read a few lines from it.

The letter is addressed to the gentleman from Alaska (Mr. YOUNG). The letter reads, "As the chief law enforcement officer of the Illinois Department of Natural Resources," and I point out and emphasize here that this is the chief law enforcement officer, and of course I am speaking to the objections that the gentleman from California raised relative to law enforcement. He says, "I wish to go on record in support of the bill H.R. 2863. As a career conservation law enforcement officer, I know firsthand the strengths and weaknesses of our Federal baiting regulations. If Congress adopts the Delahoussaye standard for waterfowl baiting regulations, a serious and longstanding weakness will have been remedied."

"Some opponents," he said, "of your bill object on the basis that law enforcement officers will have to work much harder to make good baiting cases. In my opinion, in a free society like ours, ease of enforcement should not be a standard that is applied when evaluating a law. Rather, we should seek to enact common sense laws that treat sportsmen fairly and protect our precious natural resources first and foremost."

So this is, I think, stated very succinctly. I believe that it goes a long way to answer the gentleman's questions or objections.

Secondly, the bill makes a major improvement, I believe, in terms of law enforcement, because under the current law, if one baits and is not there when the game warden shows up, he can only be brought into the case through a conspiracy theory. Under the new law, the baiter actually will assume direct responsibility for the baiting. Those provisions are written very clearly in section 3 on page 2, lines 6 through 20.

So we have tried very hard to provide for the continuation of a strong antibaiting law but to put a degree of fairness in the reform bill that simply does not exist in the current statutes.

Madam Chairman, I reserve the balance of my time.

Mr. MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I too want to put a letter into the RECORD from the head of the Maryland Department of Natural Resources, which indicates his enforcement staff, unlike that from the gentleman from Illinois, in our dueling letters here, his enforcement staff tells him that this would have a detrimental impact in Maryland's and the Nation's migratory bird resources.

Finally, let me say, under current law, the baiter, if you will, can be prosecuted and, in fact, is prosecuted. But I do agree with the gentleman that that is an improvement, that is an improvement in the law.

If the gentleman is going to add more letters, I am going to have to add more letters. We can submit these for the record, and we can all go on our merry way. This should not delay us from coming to a vote on this matter.

Mr. MILLER of California. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

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

Madam Chairman, I would just conclude once again by saying as directly and as forthrightly as I can that we in no way change the provisions of the basic law, the antibaiting provisions remain in effect, and that no person shall take migratory birds by the aid of baiting in any way, but that we do replace the strict liability provision with the known or should have known provision.

I ask all Members on both sides of the aisle, with the exemption perhaps of my friend, the gentleman from California (Mr. MILLER), to support the bill.

Mr. STEARNS. Madam Chairman, I am pleased to join my good friend and colleague, Chairman YOUNG, in support of the Migratory Bird Treaty Reform Act.

I became involved in issue because I found it outrageous that almost ninety sportsmen were cited for violating the Migratory Bird Treaty Act during a charity dove hunt in Dixie County, Florida back in 1995. I had the privilege of representing that area when I first came to Congress and I take personal umbrage with how unfairly these individuals were treated.

It is not my intention to give you a blow by blow description about this incident, but I will tell you that many hunters were cited and fined almost $40,000 for "allegedly" hunting on a baited field.

The fact is that nearly all the hunting took place in an area which had never been inspected for baiting. What is even more perplexing is that the citations were delivered without any regard to the guilt or innocence of the hunters.

The purpose of this legislation is to clarify what we mean when we use the term "baited field." Since Congress has never passed a law defining what qualifies as "baiting" a field, there is much confusion which results in federal courts acting inconsistently on such cases.

While this activity is justifiably illegal, there are various legal interpretations that should be clarified. Under current standards, a person is held liable for hunting on a baited field even though that person did not realize the field was baited. This is unfair, as many of my constituents found out the hard way.

Under current law, it is not illegal to bait a field or to feel migratory birds. However, it is strictly prohibited to hunt in such an area. This bill amends the Migratory Bird Treaty Reform Act of 1918 by eliminating strict liability for baiting by adding the following provision:

"It is unlawful for any person to take any migratory game bird by aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area."

Mr. Chairman, I believe this definition spells out precisely what we mean when we use term "baiting" a field, and will eliminate any possible future misinterpretation.

The sole purpose of this legislation is to clarify baiting restrictions to ensure that migratory birds and their habitats are preserved while protecting law-abiding citizens from unfair prosecution.

Unfortunately, passage of this legislation did not occur in time to assist the hunters in Dixie County, Florida, but it will prevent others from facing unfair repercussions for being at the wrong place at the wrong time.

Last year, I testified before Chairman YOUNG's committee on the problems associated with the need to define what we mean when we use the term "baiting" a field, I believe H.R. 2863 will achieve that goal and prevent the problems that many law-abiding hunter have experienced from occuring in the future.

Mr. YOUNG of Alaska. Madam Chairman, I rise in strong support of H.R. 2863, a bill I introduced to reform the Migratory Bird Treaty Act (MBTA). I have been joined in this effort by a number of our colleagues including JOHN DINGELL, JOHN TANNER, CLIFF STEARNS, CURT WELDON, and COLLIN PETERSON.

It has been 80 years since Congress enacted this law to conserve migratory birds. During this time, the U.S. Fish and Wildlife Service has issued many regulations dealing with the harvest of migratory birds. The vast majority of these regulations were proposed by the hunting community. The only exception has been the regulations dealing with hunting in a field that is "baited" to unfairly attract migratory game birds.

Congress has never passed a law that says—this is baiting and this practice is illegal. In fact, it is not illegal to "bait" a field or to feed migratory birds. It is strictly prohibited, however, to hunt in such an area.

Over the years, the Fish and Wildlife Service has modified its baiting regulations 17 times. In addition, the Service and many Federal courts impose strict liability on those accused of hunting migratory birds over bait. What this means is that if a hunter is there and the bait is there, they are guilty.

Regrettably, whether to cite someone for violating the MBTA is a subjective decision. Conviction under this act is a Federal criminal offense, and penalties may include up to a $5,000 fine and six months imprisonment.

Under strict liability, if you are hunting in a field that an agent determines is baited, whether you know it or not, you are guilty. There is no defense and any evidence you may have to support your position is irrelevant. It does not matter whether there was a ton of grain or three kernels, whether this feed served as an attraction to migratory birds, or even how far the "bait" is from the hunting site.

This interpretation—if you were there, you are guilty—is fundamentally wrong. It violates one of our most basic constitutional protections that a person is innocent until proven guilty. As a result of strict liability, thousands of law-abiding citizens have stopped hunting migratory game birds because they do not want to risk being convicted of a Federal crime for shooting a snow goose or a duck over a pond that may contain a handful of corn. Sadly, there are Fish and Wildlife Service agents who believe that all hunters are criminals and that it is their duty to cite them, even when they know the hunter is unaware of any baiting problem.

In fact, we had testimony before my committee where a former agent of the U.S. Fish and Wildlife Service stated that, and I quote: "Have I ever charged someone for hunting over bait that I truly believed they did not know the area was baited? And I would say yes. I have in my career. I have probably charged people for hunting over bait that truly did not know."

I had hoped that the Fish and Wildlife Service would administratively fix its baiting regulations. I was anxious to see them try and on March 25th, for the first time in 25 years, the Service did issue a proposed rule containing some modifications. While the Service deserves credit for redefining certain terms and allowing greater State input into what constitutes a normal agricultural activity, I am deeply disappointed that they have chosen to retain the strict liability standard. This is a terrible mistake and a complete reversal of their earlier support for this change.

At our full committee markup, I offered an amendment that limited the scope of the bill to the two issues that can only be resolved through the legislative process. The first is to replace strict liability with the "knows or reasonably should know" legal standard. This is not a new or radical idea.

In fact, this standard was first articulated for migratory birds in 1978 in the Federal 5th Circuit Court's decision known as *United States* v. *Delahoussaye*. In this case, the Court found that:

> At a minimum, the bait must have been so situated that its presence could have been reasonably ascertained by a hunter wishing to check the area of his activity.

For the past 20 years, this standards has worked effectively in the States of Louisiana, Mississippi, and Texas where migratory birds are hunted in great numbers.

In fact, between 1984 and 1997, the U.S. Fish and Wildlife Service issued 2,318 citations in these three States using the "known or should have known" legal standard. The Service obtained guilty pleas or payments of fines in 2,042 cases, which is a conviction rate of over 88 percent.

As these statistics clearly show, the *Delahoussaye* decision has been effectively used to protect migratory birds. No migratory bird population has been put at risk, there have been numerous convictions and it is, therefore, not surprising that the Service has never attempted to overturn or challenge the *Delahoussaye* decision.

While this legislation will allow a person to offer a defense in their baiting case, if the preponderance of evidence so demonstrates, a defendant will be found guilty. This standard is far less stringent than the "beyond a reasonable doubt" which is used in all other criminal cases.

I received a letter from the Chief Law Enforcement Officer for the Illinois Department of Natural Resources that states:

> Some opponents of your bill object on the basis that law enforcement officers will have to work harder to make good baiting cases. In my opinion, in a free society like ours, ease of enforcement should not be a standard that is applied when evaluating a law. Rather, we should seek to enact common sense laws that treat sportsmen fairly and protect our precious natural resources first and foremost. I believe your amended bill meets all of these criteria.

The elimination of strict liability under the Migratory Bird Treaty Act is strongly supported by a diverse group of conservation organizations including the California Waterfowl Association, the Grant National Waterfowl Association, the International Association of Fish and Wildlife Agencies, the National Rifle Association, Safari Club International, and the Wildlife Legislative Fund of America. In addition, it was supported by the Fish and Wildlife Service's Ad Hoc Committee on Baiting that included representatives from each of the Flyway Councils, Ducks Unlimited, National Wildlife Federation, and the Wildlife Management Institute.

My bill also improves current law by making it unlawful to place or direct the placement of bait. This will allow the Service to cite those commercial operators who intentionally bait a field without the knowledge of the hunter.

Madam Chairman, if you believe that every American is innocent until proven guilty and that a person should be entitled to offer evidence in their defense, then you should vote for this legislation. It is the right thing to do and the "knows or reasonably should know" legal standard will be effectively applied throughout this nation.

There is no rationale, justification or defense for the strict liability doctrine for migratory birds. I urge an "aye" vote on H.R. 2863.

Mr. TANNER. Madam Chairman, H.R. 2863 is about common sense and basic fairness.

It would replace the "strict liability" standard with the "knew or should have known" standard that is being enforced in the Fifth Circuit, which includes Mississippi, Louisiana, and Texas.

What it means is that anyone cited for an alleged baiting violation can put on a defense and present evidence to a judge in their case of alleged baiting violations. Both the Fifth Circuit and Fourth Circuit have both agreed this is not presently an option under the "strict liability" requirement.

Further, the bill clearly makes it unlawful for anyone who places or directs the placement of bait on or adjacent to an area where hunting for migratory game birds takes place.

That's just plain common sense to ensure that those involved in these cases have the same rights that are available throughout our system of justice. It also continues to recognize the stewardship responsibilities hunters share relative to the conservation of migratory game bird species.

Indeed, enforcement over the past decade in those states with the "knew or should have known" standard has been at least as successful as in those states where "strict liability" is the threshold. Nearly 90 percent of baiting cases prosecuted in Mississippi, Texas, and Louisiana during the 11-year period ending in 1996–97 resulted in convictions and fines.

This legislative solution is needed because while the Service has proposed other regulatory changes to existing baiting regulations and recognized as we have that some of those regulations need to be examined particularly in light of recommendations made by the International Association of Fish and Wildlife Agencies' Ad Hoc Committee on Baiting, it expressly omitted the "strict liability" issue saying in the Federal Register that "no changes are proposed in the application of the strict liability to migratory game bird baiting regulations.

No one here today is advocating with this bill that season lengths and bag limits should be changed except by those in the Office of Migratory Bird Management working with their counterparts in state fish and wildlife agencies and input from the public. If someone illegally baited a field they should be punished, but they should also have the opportunity to present a defense when they go before a judge.

Indeed, the Law Enforcement Advisory Commission created by the Service in 1990 described the rules governing baiting as both "confusing" and "too complex."

This common sense change has been recommended by the International's Ad Hoc Committee on Baiting, whose members include:

Representatives of all four Flyway Councils, the Illinois Department of Natural Resources, the Tennessee Wildlife Resources Agency, the Alabama Game and Fish Division, the North American Wildlife Enforcement Officers Association, Ducks Unlimited, the National Wildlife Federation, the Wildlife Legislative Fund of America, and the Wildlife Management Institute.

The goal of this bill coupled with issues raised by the Service's regulatory proposal are aimed at addressing the very real concerns about fairness and confusion that many have raised over the past 10 to 15 years.

My colleague Representative GEORGE MILLER, who has done a little hunting himself,

spoke articulately in support of the bill when it was marked-up and unanimously approved by the Resources Committee by voice vote. I was disappointed that he saw fit to change his mind, but that is certainly his prerogative.

You know, hunters provide more money for wildlife conservation than virtually any other single group and they deserve the same fairness we all expect as citizens when it comes to alleged violations of the law. It should be noted that hunters were and are among the strongest advocates of the implementation of these rules to prohibit baiting to attract migratory game bird species.

With that Madam Chairman, I want to encourage my colleagues to support this common sense appeal to basic fairness. Vote for H.R. 2863.

MR. SAXTON. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment under the 5-minute rule and is considered read.

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

H.R. 2863

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 "Migratory Bird Treaty Reform Act of 1998".

SEC. 2. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—

"(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.".

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments?

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

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DIAZ-BALART) having assumed the chair, Mrs. EMERSON, 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. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes, pursuant to House Resolution 521, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. SAXTON. 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 322, nays 90, not voting 22, as follows:

[Roll No. 420]

YEAS—322

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shaw
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (FL)

NAYS—90

Abercrombie
Andrews
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Bonior
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Clay
Clayton
Clyburn
Davis (IL)
DeGette
Delahunt
DeLauro
Dixon
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gutierrez
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kennedy (RI)
Kildee
Kucinich
LaFalce
Lantos
Lee

Lewis (GA)	Moran (VA)	Slaughter
Lofgren	Nadler	Stark
Lowey	Neal	Tauscher
Maloney (CT)	Oberstar	Tierney
Maloney (NY)	Olver	Torres
Markey	Owens	Velázquez
Martinez	Pallone	Vento
Matsui	Pascrell	Visclosky
McGovern	Payne	Waters
McKinney	Pelosi	Watt (NC)
McNulty	Rivers	Waxman
Meehan	Rothman	Wexler
Meek (FL)	Roybal-Allard	Weygand
Meeks (NY)	Sabo	Woolsey
Millender-McDonald	Serrano	Wynn
Miller (CA)	Shays	Yates
	Sherman	

NOT VOTING—22

Barcia	Kennelly	Schumer
Berry	McDade	Shadegg
Dunn	Moakley	Stokes
Engel	Morella	Tauzin
Furse	Paxon	Towns
Gonzalez	Poshard	Young (AK)
Hefner	Pryce (OH)	
Kennedy (MA)	Rush	

□ 1117

Messrs. PASCRELL, SERRANO, ANDREWS, HASTINGS of Florida, SHAYS, MEEHAN, MATSUI, and Ms. DEGETTE changed their vote from "yea" to "nay."

Mr. SCOTT and Ms. SANCHEZ changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BERRY. Mr. Speaker, on rollcall No. 420, I am unable to be present for voting as I will be attending to official business in my congressional district.

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

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, today on rollcall vote 420, I voted "yes." I intended to vote "no."

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2863.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GUADALUPE-HIDALGO TREATY LAND CLAIMS ACT OF 1998

Mr. HASTINGS of Washington. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 522, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 522

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. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the treaty. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303(a) of 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 Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, modified by striking the last two sentences of subsection (c) of section 6. Each section of that amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume.

Madam Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, H. Res. 522 is an open rule providing 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Resources.

The rule waives points of order against the consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974. The rule makes in order as an original bill for purposes of amendment the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, as modified, and considered as read.

The rule further permits the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and considers them as read.

In addition, the rule allows the Chair to postpone recorded votes and reduce to 5 minutes the minimum time for electronic voting on any postponed votes, provided voting time on the first in a series of questions shall be not less than 5 minutes.

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

Madam Speaker, H.R. 2538 establishes the Guadalupe-Hidalgo Treaty Land Claims Commission to review petitions from eligible descendants regarding the validity of certain land claims in New Mexico arising from the Treaty of Guadalupe-Hidalgo of 1848.

In order to be eligible for consideration under this act, petitions by eligible descendants must be filed within 5 years of the bill's enactment.

This legislation was reported by the Committee on Resources by voice vote on May 20, 1998. The Congressional Budget Office estimates that implementing the bill will cost approximately $1 million per year over the fiscal year 1999–2003 period. The bill may affect direct spending, so pay-as-you-go procedures will apply. However, CBO estimates that any such effects will total less than $500,000 per year.

Madam Speaker, this legislation is sponsored by our colleague the gentleman from New Mexico (Mr. REDMOND) representative and was originally introduced by our former colleague, the Honorable Bill Richardson. It is strongly supported by the New Mexico delegation and, accordingly, I encourage my colleagues to support both the rule and H.R. 2538.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes.

Madam Speaker, I rise in support of this open rule and urge my colleagues to support it so that all potential improvements to this legislation may be considered.

The underlying bill establishes a presidential commission to make recommendations to resolve land claims in New Mexico by descendants of people who were Mexican citizens when the treaty ending the Mexican-American War was signed in 1848.

The bill also authorizes the establishment of a research center to assist the commission and authorizes $1 million annually in fiscal year 1999 through fiscal year 2007 for the purpose of carrying out the activities of the commission and the center.

Opponents of the bill argue that it contains numerous flaws and fails to deal with the substantive questions raised by the land claims and opens the door to numerous future land claims. The bill fails to specify exactly which lands in New Mexico are eligible for consideration, since portions of New Mexico were acquired in the Louisiana Purchase, the annexation of Texas, as well as the Treaty of Guadalupe-Hidalgo.

Furthermore, the treaty covered all or parts of several other Western States. Thus, the bill also opens the door to numerous potential land claims down the road in all of these other States.

The bill contains no legal standards or rules of evidence by which the commission is to judge any claim that is brought forth. As a quasi-judicial body, there are potential conflicts of interest in having eligible descendants serving as members of the commission, and with the commission being able to accept gifts, especially from those who may benefit from the commission's decisions.

Finally, the bill neglects existing legal precedent. Since the ratification of the Treaty of Guadalupe-Hidalgo in 1848, more than 200 Federal, State, and district court decisions have interpreted the treaty, with the Supreme Court deciding almost half the major cases. Several laws also were enacted in the 19th century to address such claims.

In addition, there have been subsequent agreements with Mexico that have addressed treaty claims. This bill ignores this body of law and legal decisions and reopens land grants to commission review.

Nevertheless, Madam Speaker, I will support this open rule to allow the full debate of the legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Madam Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding.

Madam Speaker, I rise in support of the rule and in support of the Guadalupe-Hidalgo Treaty Land Claims Act. I want to commend my colleague the gentleman from New Mexico (Mr. REDMOND) for bringing this important matter to the attention of Congress. It is a remarkable accomplishment on his part, especially as a freshman Member of this body.

This bill rights a wrong, Madam Speaker. After annexing New Mexico from Mexico, our government failed to honor the commitments it made in the Treaty of 1848 to respect the property rights of landowners. Many Mexicans who became American citizens as a result of the treaty lost all right and title to much of their lands.

This bill takes the first step to right this wrong that was committed by the Government. It restores land the Federal Government had taken from individuals. This is a property rights issue in its most pure and simple form. Citizens should be compensated for property that is wrongfully taken from them.

The bill also protects the property rights of current landowners in New Mexico. Any compensation to affected parties will come from Federal lands.

This bill has been carefully crafted and will not allow for Federal land to be handed to any person who simply asks for it. The bill sets up a commission and any claims have to be presented to the commission and the legal claim must be proven. Then the commission will make recommendations to Congress for final consideration. The bill lays out a fair process for all claims to be heard.

This legislation represents what is best about America: fairness, equality, and opportunity. It seeks to right the wrongs of the past. It says the rule of law will prevail and prevail over us all equally.

I cannot count the number of times I have stood before my colleagues on the House floor and argued for property rights of landowners across this country. I stand here again in support of property rights and encourage my colleagues to do the same and support this important piece of legislation.

Once again, I want to commend my friend the gentleman from New Mexico (Mr. REDMOND) for working so diligently to ensure this bill is considered by Congress. He has worked every day since he has been elected to support this issue that is supported strongly by people in his congressional district and from areas that are outside his congressional district as well. It is very important to New Mexicans that we pass this rule and this bill, and I hope that the rest of my colleagues see fit to vote for the rule and for the bill.

□ 1130

Mr. HASTINGS of Washington. Madam Speaker, I yield two minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Madam Speaker, I rise in support of the open rule, but I rise in reluctant opposition to the legislation. I appreciate the hard work that my colleague from New Mexico has done on this bill, but I believe the bill creates a larger problem than it solves.

The Treaty of Guadalupe-Hidalgo between the United States and the Republic of Mexico was signed in 1848. Since then, over 150 years ago, more than 200 Federal and state decisions have interpreted the treaty. Even the highest court in the land, the U.S. Supreme Court, has had the opportunity to review multiple land claims related to the treaty. In fact, the large number of claims in new Mexico arising from the treaty led to the establishment of a court of private land claims in 1891. This bill disregards 150 years of case law history and empowers a quasi-judicial commission to revisit all land claims arising from the treaty, even if our own judicial system has thoroughly reviewed and adjudicated the claim.

What sort of precedent would this be setting? Maybe we should expand the commission's scope so that all land claims arising out of any treaty can be reopened by the commission. Should we, for example, provide an avenue for disgruntled Americans who feel the Louisiana Purchase violated their ancestors' rights? Where is the logical stopping point?

For Congress to best serve the potential claimants, we must demand those empowered to determine the merit of land claims utilize the tools already developed within the judicial branch.

For these reasons, I urge my colleagues to oppose this legislation.

Mr. HASTINGS of Washington. Madam Speaker, I yield two minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Speaker, I think that we have got to remember that the United States signed a treaty with the people of Mexico. This treaty specifically required that Mexican nationals who are in the territory to be annexed by the United States make a decision, a decision to either pack up and go to Mexico and retain their Mexican citizenship and to abandon their property in the U.S., or to stay in the United States and, as the treaty states, take on the embodiment of the people of the United States, take on the obligations of the culture and the citizenship of the United States.

With that responsibility, to take on the obligations of citizens of United States, came the rights that were vested by all American citizens, either born or nationalized or converted through the Treaty of Guadalupe-Hidalgo.

We are talking about the fact that we need to address the fact that with the responsibilities that the Treaty of Guadalupe-Hidalgo required these Mexican nationals to take on came the rights of American citizens, the right to be able to have property rights, to be able to have due process.

Let us be very frank about that: It was a very, very tough time to try to figure out how a nation could absorb such a huge area as the Mexican cessation. And let us be frank about that; justice and property rights were violated again and again, as it does in any country.

We are not immune from those problems. I would just ask that we support the gentleman from New Mexico's bill, but let us support this rule, let us address it and debate it, but also talk about the fact that with the responsibilities of citizenship comes the rights of property protection. Those rights were not always guaranteed, and need to be addressed.

This is a chance for this Congress to revisit this issue, to address it, and then to be able to say is it or is it not appropriate that we move on from now on. I think, Madam Speaker, this is an issue of property rights, but it is also an issue of human rights. If we expect those nationals and their ancestors to bear the responsibilities of citizenship, they should have the rights.

Ms. SLAUGHTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 522 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. 2538.

□ 1136

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty, with Mrs. EMERSON 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 Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN)

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

Madam Chairman, H.R. 2538, introduced by the gentleman from New Mexico (Mr. REDMOND), would establish a commission to examine the validity of certain land grants in New Mexico arising under the Treaty of Guadalupe-Hidalgo.

H.R. 2538 is a very important piece of legislation. We have ample evidence that the United States has failed in its obligation to defend the property rights of a group of people in the State of New Mexico, yet the U.S. Government has ignored this grave injustice for over 150 years.

Hispanic descendants have been fighting for over 150 years to get the Federal Government to look into that matter, to get someone to bring this matter before Congress. Well, it has finally happened. Since he was elected last year, the gentleman from New Mexico (Mr. REDMOND) has worked tirelessly to restore the property rights to these people from New Mexico and to bring this matter to everyone's attention. So before I explain H.R. 2538, I would just like to commend the gentleman from New Mexico (Mr. REDMOND) for working so hard to finally bring this important matter to the floor of the United States Congress.

Madam Chairman, in 1848 the United States signed the Treaty of Guadalupe-Hidalgo with Mexico. Under this treaty, Mexico sold the United States the lands that now compromise California, Nevada, Utah, Arizona, New Mexico and parts of Colorado and Wyoming. At that time there were several communities of Mexican citizens living in what is now the State of New Mexico who were living on community land grants given to them by the King of Spain. The Treaty of Guadalupe-Hidalgo contained a provision that guaranteed that the United States would respect these people's property rights. Yet, over the next few years, this section of the treaty was totally ignored. Ultimately, most of these lands ended up in the hands of the Federal Government, the same government that signed the treaty and guaranteed the protection of these property rights.

H.R. 2538 would establish a five member commission to examine the validity of petition community land grant claims filed by eligible descendants. Once the commission finishes its research, it will submit its finding to the President and to Congress. Congress will then decide how to proceed.

I want to emphasize, this is only a commission. The only power this commission would have would be to look into the validity of these community land grant claims and then to make recommendations to the Congress. These recommendations would be nonbinding and would have no legal effect, unless Congress decides to act on them in subsequent legislation.

Madam Chairman, as I have said, H.R. 2538 is very important. There is substantial evidence that these people have been deprived of property rights that are by treaty rightfully theirs. We have an obligation to look into that matter. I think the provisions of this legislation are the best way to do this. I urge my colleagues to support H.R. 2538.

Madam Chairman, I reserve the balance of my time.

Mr. MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman I rise in strong opposition to H.R. 2538. This poorly-drafted piece of legislation does a disservice to the important issues involved here. This bill is also a very controversial measure which the administration strongly opposes.

No one can tell us how many potential land grants or claims there may be or what Federal, state or private lands would be affected by this bill. The Treaty of Guadalupe-Hidalgo covered all parts of present day California, Texas, New Mexico, Arizona, Colorado, Nevada, Wyoming and Utah. We are creating here a new standard for the consideration of treaty claims in every one of those states. Although this legislation is limited to New Mexico, clearly the standard here has potential to be exercised with respect to those states, and it is a very poor standard and could proliferate and affect current land ownership in every one of those states.

H.R. 2538 contains no legal standard or rules of evidence for the commission to apply. We have no idea as to the quality or the amount of evidence available in support of or to disprove these claims. This Congress certainly should be sensitive to the very real concerns about the conflict of interest involving who would serve on the commission charged with reviewing the claims. Should this quasi-judicial body include eligible descendants who might have issues before the commission? Should a commission charged with considering such sensitive and potentially inflammatory issues be allowed to receive gifts, especially from those who may benefit from the commission's decisions?

While the rule for H.R. 2538 includes a self-executing amendment to strike the provision on the taxability of gifts to the commission, this correction fails to address the underlying problems of such gifts and potential conflicts of interest and the beneficiaries of the rulings of the commission that those gifts raise.

Members should be aware that this bill deals not only with claims involving the Federal Government, but also claims involving actions of private parties and claims involving actions of a private party and a local government. This opens up the Federal Government to potentially hundreds of millions of dollars in liability for actions that we were never a part of. We were never a

party to these actions, and yet this legislation is asking us to open up the Federal Treasury to those actions.

Why does this bill permit claims against Federal forest and other Federal assets to compensate for actions taken by state and local government or private parties? If state and local governments took actions which prejudice these individuals, which put these people at a disadvantage, then state and local governments ought to compensate these people, not the Federal Government. If private parties did this, then private parties ought to compensate these people, not the Federal Government.

We are Uncle Sam, we are not Uncle Sucker, and this legislation suggests that we are the latter.

This bill represents a very serious challenge to private property rights, which I find surprising coming from those who frequently assert the primacy of such rights when dealing with other legislation. In committee we attempted to limit the applicability of this act to public lands, but the majority defeated that amendment. So, under this bill, claims can be made against lands that are in private ownership, that have been in private ownership for generations. If claims against privately-held lands is upheld, once again the Federal Government is called upon to parcel out public resources to compensate the claimant, even though the Federal Government does not own the disputed land and may not have been involved in all of the actions that deprived the claimants' ancestors of the land.

So, once again, in a dispute between two private individuals, the remedy here is to reach your hand into the Federal treasury, into the taxpayers' pocket, and suggest that we compensate those individuals, even though we were not involved in those proceedings.

For those who do not think this bill will affect private property, I suggest you look again. Allowing land claim petitions to include private lands will cloud the title of those private properties. What will be the response of a title insurance company or a lending institution to private land that the commission has under review?

□ 1145

Who suggests for a moment that that property right is going to be insured or the transfer of that land can take place or that money can be borrowed on that, given whatever the needs are of the owners of those lands?

Title insurance, lending institutions, insist upon clear title. Once the commission has made a determination that there is potentially a valid claim, that claim can languish for many years and that property owner can be prejudiced during that entire process awaiting the determination of Congress.

Let me say this, that these treaty claims are not new. There have been more than 200 court decisions involving the treaty, with the U.S. Supreme Court having decided almost half of the major cases. Nor has the Congress ignored the issue. In fact, Congress has dealt with these claims on several occasions, including passage of the 1891 Act that established the Court of Private Land Claims to deal specifically with land claims in New Mexico. As a result of these laws, 504 claims were confirmed by the Congress while hundreds of spurious, forged, antedated claims were dismissed.

H.R. 2538 ignores this body of law, ignores these legal decisions, ignores the determinations of the Congress and reopens hundreds of these claims, hundreds of these claims, to new review by this commission.

Madam Chairman, the interest of the public and many private parties, including any potential claimants, have been poorly served by this legislation. This is a politically inspired piece of legislation that is far from expediting the judicious review of legitimate claims. It will provoke a division and bias because the bill is so poorly drafted.

H.R. 2538 represents a threat to private property, contains unwarranted conflicts of interest provisions, will cost the Federal taxpayers potentially hundreds of millions, if not billions, of dollars for actions that were taken by others, including State and local officials.

Lastly, let me remind every Member that this legislation initially was written not to cover just New Mexico but also California, Texas, Arizona, Colorado, Nevada, Wyoming and Utah. If this flawed legislation is enacted, you can bet that the House will be called upon to pass similar legislation in these other States affecting millions of our constituents and raising justifiable concerns about their property rights and holdings.

So this is not a free vote. It is a precedent that will come back to haunt us and to haunt our constituents and to haunt the Federal Treasury. So I urge that the House reject this piece of legislation.

Finally, let me say this, that there is nothing that prevents people from filing these claims, from filing these claims against properties, and then simply waiting around for a financial settlement, because what you have done is you have impeded a person's ability to freely transfer their private property, to freely mortgage their private property, to pass it on to their heirs, to use it how they will, and then you simply wait for a financial settlement.

There is no shortage of people, as we have seen in every one of these efforts, there is no shortage of people that make that decision that this is just a matter of raising enough obstructions, filing enough lawsuits, and the minute there is success here, if in fact there is success, then we will move on to these other States and we will be called upon to set up similar commissions and make the Federal taxpayers and the Federal Treasury a party to proceedings, to perhaps injustices, that they were never a part to.

This is a Federal remedy for an action that the Federal Government was not involved in. I think we are about to repeat a very sad history and we are about to do a serious injustice to Federal taxpayers and a serious injustice to many private landowners that have believed, and properly so, that the title to their land was settled many, many generations ago. They once again now are all going to be exposed to this legal problem.

You will not be able to answer this by walking in and just putting down your claim and saying, this is my property, it was my father's property, my grandmother's property and so forth. You will have to go out, get yourself an attorney, start that process, and a lot of people are going to find themselves in a position of jeopardy through no fault of their own, through no fault of the Federal Government, through no fault of their ancestors, but they will simply have to remove that cloud from their property. I do not think that is an action that this Federal Government ought to sanction.

Madam Chairman, I reserve the balance of my time.

Mr. HANSEN. Madam Chairman, I yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Madam Chairman, I thank the gentleman for yielding time.

Madam Chairman, I have been very impressed, since the gentleman from New Mexico (Mr. REDMOND) arrived in this chamber, with his extraordinary perseverance and leadership on the issue of redress for what is, yes, a historic injustice but it is nevertheless an injustice.

One of the characteristics that I think speak very highly of the people of the United States of America is that Americans redress and rectify injustice, even when it is historic, and even when it is an injustice of generations ago. It is without doubt, it can be without doubt, that at the end of the war between the United States and Mexico, many of the rights that were given by the Treaty of Guadalupe-Hidalgo to the citizens who were previously Mexican citizens and then became American citizens, many of the rights that were given to them under that treaty were not complied with.

What the gentleman from New Mexico (Mr. REDMOND) is seeking to do in this historic legislation is not to give the Commission that this legislation is creating any judicial powers, but it is

authorizing this commission to review and make recommendations to Congress with regard to precisely any historic injustices that have not been redressed and have not been remedied.

So I think we owe a debt of gratitude to this representative, the gentleman from New Mexico (Mr. REDMOND), who so courageously and with great leadership is bringing this matter to the floor. I commend him again.

This is an extremely important matter, Madam Chairman. The reality of the matter is that these citizens, these citizens who became Americans virtually overnight, many of them at the time, nearly 80,000, their rights were not always protected. And it is many of the descendents of those citizens who have long maintained that the United States did not fulfill the obligations under the treaty and that the Mexicans who became American citizens lost their rights and their titles to much of their property.

That is why an analysis of this situation, a thorough study has to be done. That is why this commission is an important idea, and that is why the gentleman from New Mexico (Mr. REDMOND) has to be congratulated and supported for his leadership, and we must all support this legislation today.

Mr. MILLER of California. Madam Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Chairman, I rise in opposition to this measure. It was stated on the floor that this issue has gone unresolved for 150 years, and in fact, of course, I think most of us recognize in the Mexican-American War that occurred in the middle of the last century that there was an issue here of equity and land claims that did persist after that conflict. But the fact is that in a letter from the Department of State, they point out, and did point out to the committee, that there had been a 1941 settlement between Mexico and the United States, and I would just quote from it:

> The United States of America and the United Mexican States reciprocally cancel, renounce and hereby declare satisfied all claims of whatever nature of nationals of each country against the government of the other which arose prior to the date of the signing of this convention, whether or not filed, or formally or informally presented to either of the two governments.

So the implication that this has not been addressed is not taking into consideration the fact that there has been this settlement based on the initial treaty.

There have been numerous questions raised with regard to this. Some of these claims would be as much as 150 years old. The fact is that this legislation before us that charges this responsibility to I believe a 5-member commission has no legal standards that they need follow, rules of evidence for the commission to apply to the decisionmaking, rights to be afforded to third parties whose property rights might be affected, and finally, no judicial review of the court's decisions.

Now, some have suggested that this is only a study. The Commission is not only doing a study. We are giving them various types of subpoena power, various authorities and status. It does not take much of an understanding of law to recognize that once these findings are made, that they are going to establish legal clouded title over many lands in New Mexico. I think that once we do that, we set that up as a legal point, a point of argument that will be made and indeed will cloud title of public and private property in New Mexico and the other seven States.

I can speak of that particular problem, because it has occurred with regards to Native American lands in my own State of Minnesota. We had to pass legislation to try and rectify that after it occurred. That is exactly what this legislation does.

Now, of course, this legislation and the treaty apply to California, Texas, New Mexico, Arizona, Colorado, Nevada, Wyoming, and Utah. The legislation before us suggests only that it applies to New Mexico. Well, is there any doubt that what we are establishing here as standards will become precedent once this commission makes its findings? Are we going to deny the same sort of treatment to land claims that might arise in Texas or in other States? I mean we are setting and establishing standards.

The fact is that this is a flawed, a very flawed measure in terms of resolving this issue. If Congress has this interest and want to resolve this matter, then rather than delegating this to a commission, we ought to bring these matters to the Congress in terms of oversight and find greater substance to these matters before we send such long-term problem to a commission.

In terms of a sense of a solution, this is flawed and should not be acted on. Obviously the State Department has voiced concerns about it. There should be concerns because of the clouded titles that this would create, the precedent that it sets up, and a variety of other problems that arise with regards to this legislation. That there are feelings and concerns about what happened to various land claims that grew out of the Mexican-American War, there can be no doubt. But there has been an effort, an effort 57 years ago, to resolve that problem which is being resurrected in 1998 without any clear policy path that is established as to how this will be resolved in the end, as to what the obligation is and whose obligation.

This could expose the United States, at the very least, to exchanging lands, to greater uncertainty, and certainly to hundreds of millions, if not billions of dollars of liability that would grow out of a flawed system, a commission-type of system with judicial-types of significant powers to use the mail to do a variety of things that can, in fact, and would, in fact, be presented to Congress as a predicate for action.

I just think that this is the wrong way to go at this point. I think this needs a lot more study and review by the committee rather than the brief hearings that they have had, and then the perfunctory consideration on the floor here today when it has been put ahead of another bill which most of us thought was going to be considered first.

I think the bill deserves to be rejected. I will not offer the amendments on property rights and other amendments that were offered in committee today. I just do not think it is possible to improve this bill. The predicate for it is wrong. This is not the way to go. The Members ought to reject this. It will expose, and many in these States apparently have little regard for the Federal lands that might be in those States that would be used. I just think it is a very disruptive process. I think it could invite the same sort of precedent with regards to Native American issues, and certainly with regards to these other States that are excluded from this, and that we should really think twice before we vote on this.

Madam Chairman, this deserves to be defeated and brought back up and considered in a more deliberate manner.

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Mr. HANSEN. Madam Chairman, I am proud to yield 2 minutes to my friend, the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, the Treaty of Guadalupe-Hidalgo was not just a treaty between two nations, it was a treaty between the United States and individuals that we required to make a choice within a year either to be Mexican citizens or U.S. citizens.

In that contract that we signed called the Treaty of Guadalupe-Hidalgo, we said there were going to be certain rights that the Federal Government would uphold. One of those rights was the right to be able to retain their property based on appropriate deed evidence.

The trouble is, Madam Chairman, the fact is that there were a whole lot of false documents written up. Deeding was made right and left by the Mexican Governors while the U.S. occupational forces were coming on. Sadly about this, those who had a paper in their hand to be able to claim rights were usually those who had just gotten a deed from their buddy who happened to be the Governor, but those who were families like the family who owned Rancho at the Point had been there, the oldest ranch in one part of this territory, that had totally been forgotten

because they did not have a deed because their father and grandfather had owned this property. They did not hold the deed, to have a piece of paper.

The fact is, as so often, in the process those who had been the scallywags, they had deeds given to them, technically illegally by a Governor in the last minutes of the retention of the Mexican government; they were given deeds, while those who had been long-term owners did not have that piece of paper that the American courts recognize. So those deeds and that evidence was not in hand by the descendants at that time.

Let me remind Members, this contract is not just those who owned property at that time. It states, "* * * and with their heirs." And with their heirs, it is the fact that at that time they did not have a piece of paper. Today we have the ability to go into Seville, to go into Madrid, and find the original documents of deed that were not available historically in many ways. In fact, there are many historical documents we are just discovering now in the Mexican archives, or in the Spanish archives.

The fact is, there was another negative, Madam Chair. Many grants were not recognized strictly because they were along the frontier with Mexico, and there was a concern about what was perceived as a Mexican threat, that deeds were not granted Mexican or ex-Mexican citizens because of the proximity to the border. We need to rectify that. I support the bill.

Mr. MILLER of California. Madam Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Chairman, if the gentleman would continue to yield, I would just point out that if this is such an important bill that needs to be rectified, why are seven of the eight States that are affected being excluded from this particular bill?

This commission is going to be set up for 10 years, it is going to get $1 million a year and then it is going to make the recommendations to Congress. I think the idea is that we intend to place some credence in what it is doing. Yet, the procedures that are followed are flawed. The concept only addresses itself to one State.

The gentleman from California (Mr. BILBRAY) rose to talk about the injustices that are occurring here, but apparently they are only important as they apply to the treaty areas in New Mexico, not to Arizona, not to California, not to Texas, not to the other five states.

I understand there is some concern about it, but if we set up a procedure that is flawed, if we set up a commission with all sorts of dollars and with no procedure, well, can we trust, and it is it really a leap of faith in terms of saying this commission is going to provide the answer? There is no provision for conflict of interest for the members that belong to the commission, or would be appointed to it. That could very well be the case. I just think we have a bill that needs a lot more work.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Madam Chairman, it is interesting, because we set up a commission that is going to make these judgments. It is no skin off their tail, because all they are doing is handing out public lands and Federal assets to solve what they perceive to be a problem.

So whether or not the claim is valid or just or what have you, it really does not matter to them because it is not coming out of their pocket. They are just coming, and if private parties injured one another or local governments injured one another, if the commission finds that to be the case, they just hand out a Federal remedy. They hand out Federal assets. It is an incredible process. This is like if the gentleman from Utah (Mr. HANSEN) and I get into a fight, and whichever one of us loses, we pay them by dipping into your pocket. It does not make any sense. You were not a party to the fight.

I can understand if people want to limit this to where the Federal Government was a party to the situation here, but that is not what this bill does. This bill makes the Federal Government liable for the actions of a lot of other people and entities that the Federal Government was not a party to.

It is just incredible that we would allow people to go around and make a raid on the Treasury of the United States based upon actions that the Federal Government was not a party to. I thank the gentleman for raising that.

Mr. VENTO. Madam Chairman, we are giving this commission the dollars and I do not think the proper guidance. It is actually seven out of eight States that are not included in this, only the State of New Mexico is the focus. This is a 10-year commission we are setting up.

Fundamentally, this is $10 million in new spending. There are no additional dollars here being recognized that this is going to cost the State Department, this is going to cost the land management agencies, in order to try and deal with this. This is just the tip of the iceberg, the $10 million that is placed in this bill that is authorized by this bill. We can double or triple that particular amount, and we are basing it on a flawed supposition in terms of the charge we are giving to this particular commission.

Also, we are only dealing with one State, so we can probably multiply that number by eight or ten times in terms of the commissions that are going to have to be established based on this bill. We are looking at a bill that is going to cost hundreds of millions of dollars, just in terms of the judicial process, no doubt about that and that will just be for attorneys and legal redtape.

One of the ways to cut through this is by dealing with the clouded titles, but we do not have that solution. I think that proposition ought to be before the committee, before the Committee on Resources, before other committees of this body, not delegated to a commission that Congress will have little or no control over in the final analysis. These may be appointed by Clinton, they may be appointed by subsequent executives. We have little control over this type of commission in terms of what happens and what they might report. We do not even deal with the conflict of interest issues with regard to these individual Members that may have such conflicts of interest in some of these lands that affect themselves.

This is an invitation to problems. This bill, if it is such a wonderful bill, would apply to all eight of the States. They will not do that because they cannot, because the issue is the costs of this, the costs would be too wide, and the scope of the problem is too great. Why would this commission only be limited to New Mexico? I cannot understand that other than as a means of damage control.

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

Mr. HANSEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from New Mexico (Ms. HEATHER WILSON).

Ms. WILSON. Mr. Chairman, I think I can answer some of the questions put by my colleagues from California and Minnesota. The fact is that the reason that this applies to New Mexico is because the bulk, the vast bulk of these land grants are in New Mexico. That is where, for 150 years, there has been a simmering dispute and bad feeling among the citizens of the State of New Mexico about the taking of lands.

We are now celebrating this year the 400th anniversary of the settlement of the Southwest by Spain. It was only 250 years later that that part of what is now the United States became part of the United States. I believe that this bill is about justice, it is about saying to the people of the State of New Mexico that America keeps its promises, that we provide ways to redress grievances, and that we will consider the facts and the claims on the merits, and do what is right and what is just. It requires congressional action for any land to be transferred.

All this commission does is look at the facts, take the evidence, evidence which people from New Mexico, from my district and from my colleagues' districts, have been asking people to

look at for over 100 years. That is fair and just, and I want to commend my colleague from northern New Mexico (Mr. REDMOND) for his persistence and diligence and determination to bring this bill to the floor of the House of Representatives.

Mr. MILLER of California. Mr. Chairman, I yield 6 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in opposition to H.R. 2583, a bill which establishes a presidential commission to make recommendations to resolve land claims in New Mexico, and quite possibly other States, by descendents of people who were Mexican citizens when the treaty ended the Mexican war. It was signed in 1848.

Mr. Chairman, H.R. 2538 sets up a presidential commission out of this Treaty of Guadalupe-Hidalgo, and obviously for the claimants and their supporters this is a matter of considerable interest. However, I believe we saw from our hearing that we held in the subcommittee this bill needs anything but a simple answer. There are many questions that need answering.

As we learned from the hearings that were held previously in the subcommittee, we do not know how many potential land grants or claims there may be. Since portions of New Mexico were acquired in the Louisiana Purchase, the annexation of Texas, and the Treaty of Guadalupe-Hidalgo, we do not know exactly what parts of the State are affected by this legislation.

Since, also, this bill deals solely with New Mexico, we do not know if there are claims in other States covered by the treaty. Further, the lands in question may include numerous tracts in private as well as public ownership, and may even include parts of some Indian pueblos or reservations.

Mr. Chairman, I have the greatest respect for the gentleman from New Mexico as the chief sponsor of this legislation, but given the fact that the administration does not support this legislation, the questions still abound concerning this piece of legislation. If we establish a commission for New Mexico, let us establish a commission for Texas, for Colorado, or other States that were formerly part of Mexico after this treaty was signed.

I believe there are still problems with this legislation, and we ought not to support it.

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

Mr. FALEOMAVAEGA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, this settlement of the treaty that is 57 years old I would just point out has never been successfully legally challenged in court. I am talking about the clouded titles that occurred with Native American lands, because there was a clouded title issue with regard to Native American lands. The courts found that. The courts did that. We came back.

The reason we did that, and I want the chairman of the subcommittee to listen to me, and others, is because we found that after the early 1900s, not 150 years back, just about 80 years back, we found all the money was going to be spent on attorneys in terms of subdividing these lands and the types of claims and processes that we have to go through. That is what the gentleman is funding here, they are funding that type of analysis.

I am sure there are inequities that have occurred, none that have successfully challenged the treaty. What the gentleman is setting in motion here is a situation where the attorneys and the various land management agencies are going to have to spend an extraordinary amount of money with regard to resolving this.

Instead of spending the money in terms of resolving the problem, if we discover there is a problem, it is going to be spending $1 million on this commission, and I would say an extraordinary amount of money just in establishing these, because the descendents from 150 years ago are going to be into the thousands today. They are going to be into the thousands of individuals that are going to be making claims in New Mexico and some of these other States. That is literally where we are spending the money.

As I said, there has never been a successful legal challenge for this, so what is the predicate for why we are doing this? There is none. There have been court cases after court cases that have tried to challenge this for the last 60 years and have not, but only the Congress can step in and screw things up this badly. That is why this bill ought to be defeated.

Mr. FALEOMAVAEGA. Mr. Chairman, the essence of my strongest reservation in opposition to this legislation is that given the fact that New Mexico is not the only State affected, and if we are going to set up a presidential commission for New Mexico, let us do it for other States that were part of Mexico when this treaty was signed in 1848.

The another concern I have is that the bill fails to specify which lands are eligible for consideration. There are no legal standards or rules of evidence by which the commission is to judge any claims presented. The members of the commission are not prohibited from accepting gifts, and the United States government could end up being involved in land claims between private parties.

While I am concerned also with any wrongs which may have been perpetuated by the United States government, these problems have been addressed many times in the past. I am not satisfied that this legislation could provide any new worthwhile information. At this time, Mr. Speaker, this bill would create expectations which I do not believe Congress has any intention of honestly considering.

Mr. VENTO. If the gentleman will yield further, I said there were a number of cases. Since 1948, more than 200 Federal, State, and district court cases occurred. There have been more than 200 Federal, State, and district court decisions that have interpreted the treaty. The U.S. Supreme Court has decided almost half of the major cases involving the treaty.

Several laws were enacted in the 19th century to address this, and of course we have talked about the treaty that was adopted some 57 years ago in the 1940s, so there have been 200.

I will place in the RECORD, Mr. Chairman, the letter from the State Department and this list of U.S. court cases interpreting the treaty. I would just point out, 200 court cases, and none of them have established this particular precedent that this Congress is apparently hellbent on establishing.

The material referred to is as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, May 4, 1998.

Hon. ENI F.H. FALEOMAVAEGA,
Subcommittee on National Parks and Public Lands, Committee on Resources, House of Representatives.

DEAR MR. FALEOMAVAEGA: I am writing in response to a letter of March 16, 1998 from Subcommittee Chairman James Hansen inviting a representative of the Department to testify at a hearing on H.R. 2538, the Guadalupe-Hidalgo Treaty Land Claims Act of 1997. We appreciate the Subcommittee's invitation and regret that Department officials were unable to attend the hearing. This letter provides the Department's views on H.R. 2538.

H.R. 2538 would create a Presidential commission to determine the validity of certain land claims of descendants of Mexican citizens. The claims in question assert that U.S. federal and/or state officials confiscated land from Mexican nationals or their descendants in violation of the 1848 Treaty of Guadalupe-Hidalgo.

The Department opposes H.R. 2538.

First, some or all of the claims at issue may already have been fully and finally settled as part of a 1941 Claims Settlement Agreement between the United States and Mexico. That agreement provides, with exceptions not relevant here, that

"The United States of America and the United Mexican States . . . reciprocally cancel, renounce, and hereby declare satisfied all claims, of whatever nature, of nationals of each country against the Government of the other, which arose prior to the date of the signing of this Convention, whether or not filed, formulated or presented, formally or informally, to either of the two Governments . . ."

This agreement discharged the United States of any liability it may have had with respect to any claims which arose prior to November 19, 1941 alleging infringement of the property of Mexican nationals referred to in the Treaty of Guadalupe-Hidalgo. To the extent that the claims at issue in H.R. 2538 were covered by the Claims Settlement Agreement, the United States has no further obligations to the claimants in question and further consideration of the claims by a commission is unnecessary.

Second, the age of the claims in question, some of which are as many as 150 years old, makes it unlikely that the amount and quality of available evidence will be sufficient to permit the commission rationally to determine the validity of individual claims. In particular, the bill does not specifically address legal standards or rules of evidence for the commission to apply to its decision making, rights to be afforded third parties whose property rights might be affected, or judicial review of the commission's decisions. Enactment, therefore, could exacerbate and renew land title disputes which have previously been adjudicated or which are barred by statutes of limitations. Such statutes of limitations are informed by important public policy concerns regarding finality and resource conservation.

Moreover, the Department is concerned that the creation of such a commission could result in a flood of requests from potential claimants seeking assistance in reconstructing claims over a century after they arose. The bill make no provision for the additional resources necessary to allow the Department of State and other affected agencies to meet the burden of responding to such inquiries.

In addition to the concerns stated above, federal land management agencies advise that H.R. 2538 could pose significant legal and practical problems, disrupt their land management activities, and profoundly affect public and private uses of federal lands, particularly environmentally sensitive and valuable resources. We defer to these agencies for their views on the bill.

I hope this information is of assistance to the Committee. Should you or other members of the Committee have questions about the Department's views on H.R. 2538, please feel free to contact us.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report to the Committee.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2538—Guadalupe-Hidalgo Treaty Land Claims Act

(Rep. Redmond (R) NM and 79 others)

H.R. 2538 would create a commission to address the validity of claims asserted by the descendants of Mexican citizens to land in New Mexico based on 19th century Spanish and Mexican community land grants. The Administration is sympathetic to those individuals who believe their land claims have been inappropriately or unfairly handled. However, the Administration opposes the bill because its approach is flawed and unworkable.

In summary, this bill would renew land title disputes that already have been resolved by an international agreement or operation of law, in many cases over 50 years ago. It would create a process that provides no legal standards or rules of evidence, no means for final resolution of these reopened claims, and no judicial review. In addition, this bill could disrupt Federal land managers' abilities to carry out their duties, including protection of natural resources and of existing uses and rights on Federal land including grazing, hunting, fishing, and mineral and water rights. A fuller explanation of these issues is presented below.

Consideration of these claims would renew land title disputes that have already been fully and finally resolved either by the 1941 Claims Settlement Agreement between the United States and Mexico, or through adjudication. Any claims not previously adjudicated are barred by relevant statutes of limitations, which are based on fundamental policy concerns of fairness, finality, and resource conservation.

In addition, the bill envisions that public lands, would be removed from Federal ownership to satisfy these claims, thus disrupting Federal land management activities. These activities include the conservation and preservation of national forests, monuments, parks, wilderness areas, wild and scenic rivers, and cultural and prehistoric sites. Further, recreation, hunting, and fishing on Federal lands would be adversely affected, and valid existing rights to, or interests in, water, timber, grazing, and mineral on Federal lands may be disturbed.

Further, H.R. 2538 would institute a flawed process. Although it is claimed that H.R. 2538 is modeled on the Indian Claims Commission Act (ICCA), the ICCA provided for monetary compensation, not the reconstitution of land grants. Moreover, the ICCA provided for judicial determination of claims, according to certain legal standards and subject to the appellate process. H.R. 2538 does not appear to provide any legal standards or rules of evidence and does not allow for judicial review of the commission's recommendations before they are submitted to Congress.

Finally, H.R. 2538 could have several other problematic results for both land claimants and private landowners. The existence of the Commission will raise unrealistic expectations that land claims now closed will be addressed. Furthermore, although private land cannot be transferred under H.R. 2538, the commission's recommendations pertaining to claims to private lands could cloud private land titles. Although H.R. 2538 would affect only lands in New Mexico, 19th century land claims in many other states were resolved in a manner similar to those in New Mexico. This bill's passage would logically prompt calls for the creation of similar commissions in other States with the attendant problems outlined above.

Pay-As-You-Go Scoring: H.R. 2538 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of this bill is zero. Final scoring of this legislation may deviate from these estimates. If H.R. 2538 were enacted, final OMB scoring estimates would be published within seven working days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending and receipts will be reported to Congress at the end of the congressional session, as required by OBRA.

APPENDIX 3

U.S. COURT CASES INTERPRETING THE TREATY OF GUADALUPE HIDALGO

(This is a list of selected cases. It does not include all the court cases)

Amaya et al. v. *Stanoline Oil and Gas Co. et al.* 158 F.2d 554 (1947).

Anisa v. *New Mexico and Arizona Rail Road* 175 U.S. 76 (1899).

Apapos et al. v. *United States* 233 U.S. 587 (1914).

Application of Robert Galvan for Writ of Habeus Corpus 127 F. Supp. 392 (1954).

Asociación de Reclamantes v. *The United Mexican States* 735 F.2d 1517 (1984).

Astiazaran et al. v. *Santo Rita Land and Mining Co. et al.* 148 U.S. 80 (1984).

Baker et al. v. *Harvey* 181 U.S. 481 (1901).

Baldwin v. *Goldrank* 88 Tex. 249 (1896).

Basse v. *Brownsville* 154 U.S. 168 (1875).

Borax Consolidated Ltd. et al. v. *City of Los Angeles* 296 U.S. 10 (1935).

Botiller et al. v. *Dominguez* 130 U.S. 238 (1889).

California Power Works v. *Davis* 151 U.S. 389 (1894).

Carpentier v. *Montgomery et al.* 80 U.S. 360 (1891).

Cartwright v. *Public Service of New Mexico* 66 N.M. 64 (1858).

Cessna v. *United States et al.* 169 U.S. 165 (1898).

Chadwick v. *Campbell* 115 F.2d 401 (1940).

City and County of San Francisco v. *Scott* 111 U.S. 768 (1884).

City of Los Angeles v. *Venice Peninsula Properties et al.* 31 Cal. 3d 288 (1913).

City of San Diego v. *Cuyamaca Water Co.* 209 Cal. 105 (1930).

Grant v. *Jaramillo* 6 N.M. 313 (1892).

Horner v. *United States* 143 U.S. 570 (1892).

Interstate Land Co. v. *Maxwell Land Co.* 139 U.S. 569 (1891).

Lockhart v. *Johnson* 18 U.S. 481 (1901).

Lockhart v. *Wills et al.* 54 S.W. 336 (1898).

Lopez Tijerina v. *Henry* 48 F.R.D. 274 (1969).

Lopez Tijerina et al. v. *United States* 396 U.S. 990 (1969).

McKinney v. *Saviego* 59 U.S. 365 (1856).

Merrion v. *Jicarilla Apache Tribe* 617 F.2d 537 (1980).

Minturn v. *Brower et al.* 24 Cal. 644 (1864).

Northwestern Bands of Shoshone Indians v. *United States* 324 U.S. 335 (1945).

Palmer v. *United States* 65 U.S. 125 (1857).

Phillips et al. v. *Mound City* 124 U.S. 605 (1888).

Pitt River Tribe v. *United States* 485 F.2d 660 (1973).

Pueblo of Zia v. *United States et al.* 168 U.S. 198 (1897).

Reynolds v. *West* 1 Cal. 322 (1850).

State of Texas v. *Balli et al.* 144 Tex. 195 (1945).

State of Texas v. *Gallardo* 135 S.W. 644 (1911).

Summa Corporation v. *State of California* 80 L.Ed. 2d 237 (1984).

Tameling v. *United States Freehold Land and Emigration Co.* 2 Colo. 411 (1874).

Tee-Hit-Ton Indians v. *United States* 348 U.S. 272 (1955).

Tenorio v. *Tenorio* 44 N.M. 89 (1940).

Texas Mexican Railroad v. *Locke* 74 Tex. 340 (1889).

Townsend et al. v. *Greenley* 72 U.S. 326 (1866).

United States v. *Abeyta* 632 F.Supp. 1301 (1986).

United States v. *Aguisola* 68 U.S. 352 (1863).

United States ex rel. Chunie v. *Ringrose* 788 F.2d 638 (1986).

United States v. *Green et al.* 185 U.S. 256 256 (1901).

United States v. *Lucero* 1 N.M. 422 (1869).

United States v. *Moreno* 68 U.S. 400 (1863).

United States v. *Naglee* 1 Cal. 232 (1850).

United States v. *O'Donnell* 303 U.S. 501 (1938).

United States v. *Reading* 59 U.S. 1 (1855).

United States v. *Rio Grande Dam and Irrigation Co. et al.* 175 U.S. 690 (1899).

United States v. *Rio Grande Dam and Irrigation Co. et al.* 184 U.S. 416 (1901).

United States v. *Sandoval et al.* 167 U.S. 278 (1897).

United States v. *Sandoval et al.* 231 U.S. 28 (1913).

United States v. *Santistevan* 1 N.M. 583 (1874).

United States v. *State of Louisiana et al.* 363 U.S. 1 (1960).

United States v. *Title Insurance and Trust Co. et al.* 265 U.S. 172 (1924).

United States v. *Utah* 238 U.S. 64 (1931).
Ward v. *Broadwell* 1 N.M. 75 (1854).

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Mr. HANSEN. Mr. Chairman, may I inquire how much time each side has?

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from Utah (Mr. HANSEN) has 20 minutes remaining, and the gentleman from California (Mr. MILLER) has 4½ minutes remaining.

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

Mr. PAXON. Mr. Chairman, I rise in strong support of H.R. 2538, the Guadalupe-Hidalgo Treaty Land Claims Act. This legislation before us today is truly the culmination of the hard work and tenacious, never-say-die attitude of the gentleman from New Mexico (Mr. REDMOND), our good friend.

I believe it is an unbelievable accomplishment that Mr. REDMOND, as a freshman Member of Congress, is able to bring this bill to the floor today after so many years of discussing this legislation. Having this before this body today I think is a real tribute to the gentleman's tireless efforts. It is also, I believe, a tribute to the leadership of the gentleman from Utah (Mr. HANSEN) and the Committee on Resources who has worked so hard moving this legislation forward.

Mr. Chairman, Congress is finally taking a step in the right direction to help the U.S. keep its word that resulted from the signed Treaty of Guadalupe-Hidalgo in 1848.

Let us be clear, this legislation will not settle any claims directly. Further action will be required for settlement. What this legislation does is do the right thing. It sets up a presidentially appointed commission to review claims. Numerous safeguards are provided in the legislation, such as the fact that claims must be filed within 5 years from date of enactment of the bill, and also by three or more descendants.

The establishment of this commission, the Guadalupe-Hidalgo Treaty Lands Claims Commission, is the right way to go in reviewing these claims of private property rights that were guaranteed by the treaty when it was signed well over 150 years ago.

Mr. Chairman, I want to make it very clear. This is a matter of civil rights. This is a matter of racial justice, and it is a matter of private property rights. I cannot think of one reason in the world why this legislation should not enjoy unanimous bipartisan support today as it moves forward to the President's desk for signature and moves this commission forward.

Mr. Chairman, I am pleased and proud to support the efforts of the gentleman from New Mexico (Mr. REDMOND) and the Committee on Resources.

Mr. MILLER of California. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first of all, let me say that it was suggested here that the claims are in New Mexico. The claims are in New Mexico because of this legislation. The fact is, there are over 14 million acres of land in California that are subject to the same kind of contest. And my colleagues should not believe for a minute, if this commission starts going around and handing out valid land claims that are not paid by the people who theoretically stole the land, which are not paid by the local government to prove the stealing of the land, if that is the case, but are going to be paid by the Federal Government that uses the public lands of this country as a piggy bank for people who want to establish claims on these lands.

Do not think for a second that people are not going to ask that this be done in California, Arizona, Utah and elsewhere where millions of acres of lands and generations of historical ownership have been established.

To suggest that this has been ignored up to this very moment, it has not been ignored. The fact of the matter is that the Supreme Court has addressed it. The Congress has addressed it. These claims have been settled.

The suggestion is that also somehow this is about a lot of people who are Mexican, Mexican-American, Hispanics who have been thrown off of the land and this is a minority issue. Many of the people in these lands are Hispanic families that have been on these lands for many, many generations. That is true in the Central Valley of California and Southern California and elsewhere. But the notion that somehow we can come along and decide that we are going to reopen all of these claims and if this commission decides that it is going to be valid, that we are going to reach into the public land base of the United States of America, the public lands that belong to all the citizens of America, and the notion of justice is that they have to pay, even though they were not party to the injustice. That is not justice.

Justice is when people who are party to the injustice pay. But if the State of California created the injustice and the State of New Mexico created the injustice, and private landowners created the injustice by running people off of the land, why is that a Federal taxpayer problem? Why is the notion of justice over here the notion that we go into the Federal taxpayers' pocket and solve this problem? We just go into the national forests and the public lands and the BLM lands of this Nation and go in there to get justice. Why is that justice?

No, Mr. Chairman, claimants ought to go to the people who harmed them. Let the State of California or the State of New Mexico dig into their treasury and their land base to solve these claims that they created. Let the private landowners let their heirs solve these problems, if that is what they did.

Somehow now justice is being equated with the ability to get to the Federal land base or the Federal tax base. This commission, once they start handing out clouds on titles and making these determinations, when the Congress ever acts on them, there will be a host of people asking for commissions on California and the other western States that are affected by this and a whole host of attorneys that see it is pretty clear that it is no skin off of anybody's nose here because the way to settle this is to give the attorney 50 acres of public lands. Give them some forest lands. Make whatever settlement they want, because there are no rules of evidence here. No burden of proof. No established burden of proof.

That is why the administration has sent up its statement of administration policy today which is in strong opposition to this legislation.

Mr. HANSEN. Mr. Chairman, I yield 11 minutes to the gentleman from New Mexico (Mr. REDMOND), the sponsor of this bill.

Mr. REDMOND. Mr. Chairman, the Treaty of Guadalupe-Hidalgo begins with these words:

> In the name of Almighty God, the United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony and mutual confidence wherein the two peoples should live as good neighbors, there shall be firm and universal peace between the United States of America and the Mexican Republic, between their respective countries, territories, cities, towns, and people without exceptions of places or persons.

Mr. Chairman, those are the opening words to the Treaty of Guadalupe-Hidalgo, which is the treaty that settled the hostilities between the American Government in 1848 and the Government of Mexico. In America, as we study history, all too often we read history from East to West, as opposed to reading our history from West to East.

To my left here is a commemorative stamp that is now issued by the Post Office of the United States. Many people, when they see this stamp, they will be reminded that the first Europeans in North America, which is now a part of the United States of America, were not the British. They were not the Dutch. They were the Hispanics that first came with the Conquistadores and with the settlers.

This year in New Mexico we are celebrating what is called the "Cuatro Centenario," the 400th anniversary of European settlement at a pueblo now called Santo Domingo, but it was once called Ohkay Owingeh, and the first

seat of European government that is now in the United States is here in this Congressional district in the State of New Mexico on a land grant.

For 250 years, both the Spanish Government and the Mexican Government practiced what was the same practice as the Anglos had as they came across the frontier. We have President Martin Van Buren, President Andrew Jackson and many, many other presidents that granted homesteads or granted parcels of land for the purpose of settlement of the North American continent.

Nobody would think for one moment that anybody would dare introduce into this body a piece of legislation that would make it possible for the Federal Government to take away land that had been farmed by a family for more than 150, and in some cases 250 years, and claim it as eminent domain for the American people. This land was legally owned and we had agreed to in the Treaty of Guadalupe-Hidalgo that these people could keep their land.

When they settled the land, there were two kinds of land grants. One was individual land grants, which are not a part of this bill, which have been made reference to by the opposition, and then there were the community land grants. The community land grants of necessity required 10 families or more coming together to settle an area. If they stayed on the land, if they cleared the forest, if they built a home, if they built a barn, they built a corral, they could stay there and the land was theirs.

It is the same under Spanish law as what it was under American law, and that is the why the United States Senate, when they ratified this treaty, they were willing to honor the community land grants that had been so long a part of Spanish culture in New Mexico.

But very rapidly after the treaty was signed, there were people that came to New Mexico and, one by one, the community land grants were wrested from the people because they did not speak the language. And the community land grants were not only for Hispanic people, but they were the Pueblo land grants that the Pueblo people lost as well.

So when we read our history from West to East, we see the merging of three cultures in New Mexico: the Native American culture, the Hispanic culture, and the Anglo culture. And for 400 years, two cultures have lived in peace, and for 150 years, three cultures have lived in peace in spite of the fact that land was taken.

Now, in response to some of the questions that were raised, I appreciate the comments from the gentleman from Minnesota (Mr. VENTO), my good friend. He refers to a letter that came from the State Department that deals with a 57-year agreement between the Government of Mexico and the Government of the United States. I am very happy to say that I am glad that we are talking about who the parties are in this agreement. The parties that settled that particular agreement 57 years ago were the Government of the United States and the Government of Mexico.

The citizens of the United States who were the heirs of these land grants were never part of that discussion. That agreement dealt with something other than the community land grants. Many people might ask why are we interested in the heirs of the land grants? Article 8 is very, very clear. Article 8 says without a doubt that this treaty is not only for the original landowners, but it is also for their heirs.

Over to my left we have a copy of the final page of the treaty and the very first signature on this treaty is from Nicholas Trist. Nicholas Trist is the one who wrote the treaty. And then also we have those signing from the Government of Mexico. When the people in the area which was to become the Territory of New Mexico and, later, the State of New Mexico, they were there for many years and it was the agreement between those people and the American Government that the right to the land would not be violated.

In response to the question that the Treasury of the United States, or as my colleague from California said, "Uncle Sucker" would be doling out money, there is no money to be doled out. The people of New Mexico do not want favors. They want the land that was theirs to be returned.

The treaty is very specific because it says that they not only have the right to private property in the treaty, the treaty also says that they have full rights as American citizens. That includes the Fifth Amendment right and that includes the 14th Amendment right.

So when individuals say this is not a civil rights issue, if we remember correctly, the first 10 amendments are the Bill of Rights. Those are the civil rights for all Americans.

□ 1230

So not only was the treaty violated, but also their 14th Amendment and their Fifth Amendment rights were violated.

To my left is a photograph, and these are the men and women and the children who are the heirs of what is known as the Chilili land grant in New Mexico. Much of their land was lost. They have only a very small portion of it remaining. Those are the people that my colleagues says are coming to "Uncle Sucker", these young boys, these young girls, this grandmother, this grandfather.

The treaty said that this was their land, but the government took their land away. If the land were held by the State of New Mexico, this debate would be held in the capital of Santa Fe; but because 95 percent of this land is now held by the Federal Government, this discussion must be held here.

Also, in response to one of the individuals from the opposition, the amendment that made this specific to New Mexico was offered and passed. It was offered by the gentleman from Minnesota (Mr. VENTO) in committee. He specifically asked that this be applied only to New Mexico, which was in concurrence with the desires of the people from the land grant.

This piece of legislation is important not only for the people of New Mexico but for the people across America. The gentleman is correct that this is not an issue unique only to New Mexico because if the Federal Government can come into my State of New Mexico and take away farms and ranches that had been a part of a family for 250 years, we can bet our bottom dollar that they can come into Illinois and Indiana and Missouri and Oklahoma and any other State where the farmers received a homestead grant from, not only the Spanish government, but also the American government.

I would like to thank my colleagues for their support, for the gentleman from Utah (Mr. HANSEN) and the gentleman from Alaska (Mr. YOUNG). I would like to thank Speaker NEWT GINGRICH who personally traveled to New Mexico to hear the pleas of the land grant heirs.

I would like to thank my staff Michael Quintana and Jennifer Hamann. But most of all, I would like to thank those members of the Land Grant Forum, State historian Robert Torres, Richard Nieto, Richard Ponse, Estephen Arellano for their tireless effort in working on this bill, former Lieutenant Governor Roberto Mondragon, and most of all the people of New Mexico who so long waited on justice.

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from Utah (Mr. HANSEN) has 7 minutes remaining. The gentleman from California (Mr. MILLER) has 1½ minutes remaining.

Mr. HANSEN. Mr. Chairman, who has the right to close on general debate?

The CHAIRMAN pro tempore. The gentleman from Utah (Mr. HANSEN) has the right to close.

Mr. MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. VENTO)

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding to me, and I thank the gentleman from New Mexico (Mr. REDMOND) for pointing out my efforts in committee to limiting this to New Mexico. Of course I do not favor it for New Mexico. I think it does have applications for the other States. In spite of the fact that we offered the amendment, we cannot prevent the standards and precedent. I think it would be a bigger problem if all of the eight States were involved as opposed

to New Mexico with this five-member commission.

But I would point out also, he suggests what about the private individuals that, in good faith, bought the property in New Mexico or the Federal Government that has established a forest. I remember the controversy over the issue with regards to the Hopi-Navaho Conflict when, in fact, Secretary Lujan recommended a couple hundred thousand acres of forest be given to the Navaho in Arizona. That is the sort of issue that we are setting up here over the next 10 years.

Furthermore, if one has title to the property and one bought it in good faith, this legislation says that that property will go back to the individuals we recommended and that the Federal Government will do the compensation. That is dollars and cents.

So the suggestion that you can just simply avoid this by virtue of returning the land, that there is no money involved is, of course, not what the legislation proposes. It provides that the Federal Government will do the compensation.

Even though, as the gentleman from California pointed out, we may not have been the result of it, the good intentions of the treaty, the good intentions of the settlement act. What is to say that we are going to have perfect justice here, that no resolution or claim will go unresolved. This is an ongoing problem. We fight it in court, 200 cases, and we are establishing it again here.

Mr. HANSEN. Mr. Chairman, this is a very interesting debate we have had regarding this piece of legislation. I want to commend the gentleman from New Mexico (Mr. REDMOND) for coming up with something that probably should have been done for a long time.

It was interesting to hear the opponents of this bill talk about the various lawsuits that have come up. Of course they have come up. Why would they not come up. These people have been seeking redress and remedy for years and years and years. When one cannot get it through lawsuits and one cannot get it through other means, where do people normally come? They normally come to Congress to take care of it.

What do we do in an event like this? We just say, hey, let us ignore this. It happened in 1848. It did not turn out the way it was supposed to by the treaty and the provisions of the treaty that Mr. Redmond put in front of us at this time. It turned out a little differently. The Federal Government came in, and people came in and took that land.

There are a lot of treaties we have made. It is very interesting. Those of us who are interested in the west and come from the west like to read the treaties that happened with the Native Americans. For a while, that happened.

They had a group of smart attorneys who got together, and one lawsuit after another, it cost the American government big bucks. They were resolved. They are still doing that. They are still being litigated. Every year, we come up with something from the Bureau of Indian Affairs regarding these areas.

What do we want to do in this area, ignore it or to somewhat bring it to a conclusion? I am kind of shocked in a way that my good friends keep bringing up the idea that the money and land is going to change. It is not. It says this is a commission.

If you read the bill, the commission will give their recommendation to this body, to the United States Congress. Congress will determine what money is going to change hands. Congress will determine what to do with it. We are waiting for a recommendation from the commission. That is all this is.

It is a rather simple piece of legislation saying let us wait for the commission to do their work to go back and live up to something that this United States Government said they would do in 1848. They said, we will give it to these people who had a valid claim to that property from the King of Spain.

Can we negate that? Can we just throw it out, repudiate it because we feel that we are stronger and better than they are and we speak English and we have got more guns? I hope that is not the case. I hope somebody looks at it.

I think many of the arguments were very good brought up by our opponents. Those are the kinds of arguments that will come up when the commission brings it to us. This piece of legislation only does that.

I find it very interesting and love to hear my good friends from the other side talk about private property. That to me just made my whole day, probably my whole month, that I can go home and say people have been willing to walk right over private property regarding the Endangered Species Act, regarding the Wetlands Act, regarding the Wilderness Act, regarding the Wild Horse and Burro Act, regarding the Scenic River Act, regarding the Mormon Trail Act are now sticking up for private property. This should be a red letter day to this Congress that we all feel so good to see that happen. I hope we keep that trend going.

Mr. Chairman, I am very grateful for my good friend the gentleman from New Mexico.

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

The CHAIRMAN pro tempore (Mr. SUNUNU). All time for general debate has expired.

The amendment in the nature of a substitute printed in the bill, modified by striking the last two sentences of subsection (C) of section 6, shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered as read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments 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 original question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Guadalupe-Hidalgo Treaty Land Claims 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 and findings.
Sec. 3. Establishment and membership of Commission.
Sec. 4. Examination of land claims.
Sec. 5. Community Land Grant Study Center.
Sec. 6. Miscellaneous powers of Commission.
Sec. 7. Report.
Sec. 8. Termination.
Sec. 9. Authorization of appropriations.

The CHAIRMAN pro tempore. Are there any amendments to section 1?

Mr. HANSEN. Mr. Chairman, I ask for unanimous consent that the entire bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there an objection to the request of the gentleman from Utah?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute, as modified pursuant to House Resolution 522 is as follows:

SEC. 2. DEFINITIONS AND FINDINGS.

(a) DEFINITIONS.—For purposes of this Act:

(1) COMMISSION.—The term "Commission" means the Guadalupe-Hidalgo Treaty Land Claims Commission established under section 3.

(2) TREATY OF GUADALUPE-HIDALGO.—The term "Treaty of Guadalupe-Hidalgo" means the Treaty of Peace, Friendship, Limits, and Settlement (Treaty of Guadalupe Hidalgo), between the United States and the Republic of Mexico, signed February 2, 1848 (TS 207; 9 Bevans 791).

(3) ELIGIBLE DESCENDANT.—The term "eligible descendant" means a descendant of a person who—

(A) was a Mexican citizen before the Treaty of Guadalupe-Hidalgo;

(B) was a member of a community land grant; and

(C) became a United States citizen within ten years after the effective date of the Treaty of Guadalupe-Hidalgo, May 30, 1848, pursuant to the terms of the Treaty.

(4) COMMUNITY LAND GRANT.—The term "community land grant" means a village, town, settlement, or pueblo consisting of land held in common (accompanied by lesser private allotments) by three or more families under a grant from the King of Spain (or his representative) before the effective date of the Treaty of Cordova, August 24, 1821, or from the authorities of the Republic of Mexico before May 30, 1848, in what became the State of New Mexico, regardless of the original character of the grant.

(5) RECONSTITUTED.—The term "reconstituted", with regard to a valid community land grant, means restoration to full status as a municipality with rights properly belonging to a municipality under State law and the right of local self-government.

(b) FINDINGS.—Congress finds the following:

(1) New Mexico has a unique history regarding the acquisition of ownership of land as a result of the substantial number of Spanish and Mexican land grants that were an integral part of the colonization and growth of New Mexico before the United States acquired the area in the Treaty of Guadalupe-Hidalgo.

(2) Various provisions of the Treaty of Guadalupe-Hidalgo have not yet been fully implemented in the spirit of Article VI, section 2, of the Constitution of the United States.

(3) Serious questions regarding the prior ownership of lands in the State of New Mexico, particularly certain public lands, still exist.

(4) Congressionally established land claim commissions have been used in the past to successfully examine disputed land possession questions.

SEC. 3. ESTABLISHMENT AND MEMBERSHIP OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Guadalupe-Hidalgo Treaty Land Claims Commission".

(b) NUMBER AND APPOINTMENT OF MEMBERS.—The Commission shall be composed of five members appointed by the President by and with the advice and consent of the Senate. At least two of the members of the Commission shall be selected from among persons who are eligible descendants.

(c) TERMS.—Each member shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMPENSATION.—Members shall each be entitled to receive the daily equivalent of level V of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

SEC. 4. EXAMINATION OF LAND CLAIMS.

(a) SUBMISSION OF LAND CLAIMS PETITIONS.—Any three (or more) eligible descendants who are also descendants of the same community land grant may file with the Commission a petition on behalf of themselves and all other descendants of that community land grant seeking a determination of the validity of the land claim that is the basis for the petition.

(b) DEADLINE FOR SUBMISSION.—To be considered by the Commission, a petition under subsection (a) must be received by the Commission not later than five years after the date of the enactment of this Act.

(c) ELEMENTS OF PETITION.—A petition under subsection (a) shall be made under oath and shall contain the following:

(1) The names and addresses of the eligible descendants who are petitioners.

(2) The fact that the land involved in the petition was a community land grant at the time of the effective date of the Guadalupe-Hidalgo Treaty.

(3) The extent of the community land grant, to the best of the knowledge of the petitioners, accompanied with a survey or, if a survey is not feasible to them, a sketch map thereof.

(4) The fact that the petitioners reside, or intend to settle upon, the community land grant.

(5) All facts known to petitioners concerning the community land grant, together with copies of all papers in regard thereto available to petitioners.

(d) PETITION HEARING.—At one or more designated locations in the State of New Mexico, the Commission shall hold a hearing upon each petition timely submitted under subsection (a), at which hearing all persons having an interest in the land involved in the petition shall have the right, upon notice, to appear as a party.

(e) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any petition submitted under subsection (a). The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the State of New Mexico.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) DECISION.—On the basis of the facts contained in a petition submitted under subsection (a), and the hearing held with regard to the petition, the Commission shall determine the validity of the community land grant described in the petition. The decision shall include a recommendation of the Commission regarding whether the community land grant should be reconstituted and its lands restored.

(g) PROTECTION OF NON-FEDERAL PROPERTY.—The decision of the Commission regarding the validity of a petition submitted under subsection (a) shall not affect the ownership, title, or rights of owners of any non-Federal lands covered by the petition. Any recommendation of the Commission under subsection (f) regarding whether a community land grant should be reconstituted and its lands restored may not address non-Federal lands. In the case of a valid petition covering lands held in non-Federal ownership, the Commission shall modify the recommendation under subsection (f) to recommend the substitution of comparable Federal lands in the State of New Mexico for the lands held in non-Federal ownership.

SEC. 5. COMMUNITY LAND GRANT STUDY CENTER.

To assist the Commission in the performance of its activities under section 4, the Commission shall establish a Community Land Grant Study Center at the Onate Center in Alcalde, New Mexico. The Commission shall be charged with the responsibility of directing the research, study, and investigations necessary for the Commission to perform its duties under this Act.

SEC. 6. MISCELLANEOUS POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

SEC. 7. REPORT.

As soon as practicable after reaching its last decision under section 4, the Commission shall submit to the President and the Congress a report containing each decision, including the recommendation of the Commission regarding whether certain community land grants should be reconstituted, so that the Congress may act upon the recommendations.

SEC. 8. TERMINATION.

The Commission shall terminate on 180 days after submitting its final report under section 7.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000 for each of the fiscal years 1999 through 2007 for the purpose of carrying out the activities of the Commission and to establish and operate the Community Land Grant Study Center under section 5.

The CHAIRMAN pro tempore. Are there any amendment?

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find myself in a situation where I will be voting against the bill that I have cosponsored. At this moment, I am not allowed to ask unanimous consent to have my name removed, but I do think it is important that I explain my actions.

When I was first asked to cosponsor this, it was to call for a commission. I now see this commission will cost the taxpayer $1 million for up to 7 years, which is up to $7 million.

When we look a little bit further into this, originally it was a few families that had been wronged, but as we heard in the debate, the entire States of California, Nevada, and Utah, were basically seized from the Government of Mexico, as well as portions of Arizona, Texas, and New Mexico, portions of Colorado and Wyoming. So we would be basically seeing a situation where just a few people would be compensated.

The second part that I think is important to state is, yes, we have to look at this historically. Yes, these people probably had claims given to them by the Government of Mexico, a government that, in effect, took the land from Spain. But who did the King of Spain take it from? He took it from the folks who lived there when the Conquistadors came over.

We are basically opening a can of worms and I do not think anyone has

any idea where it ends. I think, at the end of 7 years, we will have spent $7 million of the American taxpayers' money and find ourselves in exactly the same situation we have right now.

If you want to go a little bit further, why do we not give Panama back to Colombia, because our Nation stole it fair and square from them in the first part of this century so we could build the Panama Canal.

Our Nation lately has been pretty good. As recently as Bosnia, we sent some troops over there, not to take their land, not to rape their people, not to take their wealth, but just to keep people from killing each other. It might be the most honorable thing this Nation has ever done.

But some years ago, when we had our manifest destiny and decided that we were going to have a Nation that ran from ocean to ocean, we did so, and we did not particularly care who got in our way. In this instance, the Mexican Government got in our way.

I do not think we serve the American people by going back and reopening this, causing no telling how many people in all of the States that I have mentioned to have the title to their property called into question in each of these States, including some huge States like California.

I think we are best letting the courts make these decisions and not a congressionally appointed commission at the cost of $1 million a year.

For those reasons, although I understand the gentleman is trying to redress what he perceives is a wrong, I think the greatest good is served by the defeat of this measure.

Mr. Chairman, I ask at this point that my name be removed.

Mr. REDMOND. Mr. Chairman, will the gentleman yield to me?

Mr. TAYLOR of Mississippi. I yield to the gentleman from New Mexico.

Mr. REDMOND. Mr. Chairman, I would like to respond to the idea that almost all of the Southwest is somehow under a community land grant. Just to put this into perspective, in the State of New Mexico—

Mr. TAYLOR of Mississippi. Mr. Chairman, reclaiming my time, the point that I made was that most of the Southwest was seized from Mexico and, as the gentleman pointed out, under duress. We were occupying their capital at the time.

We did it for what we thought was the best interest. Quite frankly, all of the people in all of those States are better off because we did it. But we seized the whole Southwest, not just this portion of the Southwest.

If we start looking back into each of these claims, I think we cause more harm than good. Again, we had make a gentleman's request to look into it. At the time, it seemed to make sense. But the more I have looked into the total repercussions of creating this commission at the cost of $7 million, I have decided to oppose it.

Mr. Chairman, I ask unanimous consent that my name be withdrawn as a cosponsor.

The CHAIRMAN pro tempore. While that permission is normally sought in the full House, the gentleman cannot have his name removed from a bill that has already been reported out of committee.

Mr. TAYLOR of Mississippi. Very good.

The CHAIRMAN pro tempore. Are there any amendments?

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

Mr. Chairman, it is time that we finally have Congress addressing this issue involving the Treaty of Guadalupe-Hidalgo because, for more than 150 years, we have allowed an injustice to continue in this country. This country, while it has made mistakes, has always been strong enough to come up and stand up and say when it has been wrong; and that is one of the things that makes me very proud to be able to serve in this legislative body for this country.

It is time to address the injustice caused by the theft that occurred years ago of property held by thousands of people in the Southwest that was taken from them as a result of our government's representations to these people.

□ 1245

Good faith representations to these people, through a treaty that these people would have rights and they would be treated in ways that accorded to law. And those folks depended on that contract, that treaty that was signed with the U.S. Government, and they did so in good faith.

But I look at H.R. 2538, and I ask myself, is this the right vehicle to try to redress those injustices? And I look within H.R. 2538 for something that tells me there are teeth in this bill that will allow us to actually redress the wrongs committed against many people and their offspring, and I see no teeth. What I do find is a procedural nightmare. I find a system that allows a commission to be created.

And by the way, we often know what happens with commissions. We can talk about all the commissions we have now that have nothing but vacancies and are doing no work. And we have a commission, if it should happen to get impaneled, that has no teeth to do anything. It could recommend to Congress that certain people be compensated, that redress be provided, but there is nothing in the bill that would require Congress to do anything with that commission report.

So what does that do? It leaves those who were affected and left without redress in a position of hope, and it leaves those, many of whom today are innocent purchasers and holders of property in these affected areas, with now clouded title over that property. Because, see, that property that they purchased, and I am talking about those who are innocent purchasers, those who purchased that property not knowing that there was any problem with how it was acquired by a predecessor owner, now will say I have a deed to this land but there is a commission that says I really do not have a right to it. So what the heck do I get to do with this land? Can I sell it? Who will want to purchase property that may be taken away by a commission?

But yet those who seek the redress, who had the property through their forefathers taken from them, have no way to get redress, anything back, whether it is the land or some compensation because Congress is not required to do anything in this bill. So we leave not only those who for generations faced an injustice in limbo, but we leave also innocent purchasers of property in these areas without redress. There is no requirement for Congress to act on any claim, and that is perhaps the most egregious portion of this bill.

And by the way, I think the gentleman from Utah sort of made that point for me earlier in his remarks because he made it clear we do not have to worry about taking land from private landholders because we do not have anything in this bill that would require that that happen. So it proves the point that this bill does not have the teeth we need to truly provide the redress we need. I am here to fight for that redress. I think people who had things stolen from them deserve to have compensation if our Federal Government signed a document saying I promise I will treat you according to the law and we did not fulfill that. But that is not what this bill says.

Moreover, I do not believe that the Federal taxpayer should have to carry the burden for what local elected officials and State elected officials did in years gone by. Those injustices by State and local officials should be redressed by States and local governments. And if they are not willing to, then let us have a bill that says they must. Let us not make the Federal taxpayer in New York, in Alabama, in Maine, in Wisconsin pay for the misdeeds of local elected officials in New Mexico, Arizona, Colorado or anywhere else.

Another point. This bill deals only with New Mexico. What about the folks in California, Utah, Colorado, Arizona, Oklahoma? They also need redress. They are not there. There are many ways to handle this. Senator BINGAMAN in the Senate has a bill. But this, I do not believe, is a real meaningful effort to do this, and I would ask my colleagues to vote against it.

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

Mr. Chairman, I think that it is important that the bill be read in its entirety. I want to make one thing very, very clear; that this action was by the United States Government upon United States citizens who had formerly been citizens of the country of Mexico. This is not Nation to Nation. This is an act performed on the citizens of the United States who resided in the territory of New Mexico, performed on them by the Federal Government.

Secondly, this particular bill, in its original form, was written by former Congressman Bill Richardson. The bill was taken to the people of New Mexico, The Land Grant Forum, who have the entire history of the happenings in New Mexico. The people rewrote the bill themselves, with the understanding of settlement between the land grant heirs and the Federal Government. They took all the parties into consideration. This is a people's bill written by the people, though it was originally framed by the former congressman.

The other thing we need to point out very, very clearly is that it is the responsibility of the Federal Government, because at the time that this took place, New Mexico was a territory under Federal law, not local jurisdiction.

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

Mr. REDMOND. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, I appreciate the effort of the gentleman, because I think there is a need, as I said before, to redress this issue for the people that were denied their rights and property, had those property rights stolen. But answer the question regarding the person who finds that a commission under this bill determines that property claimed by that individual is in fact property that fell under the land grants and, therefore, should revert back to the heirs of those owners of the land grant. What do we do if Congress takes no action on that claim, and what does that mean for the current holder of that property?

I do not want to affect the rights of current owners who innocently purchased at the same time I am trying to redress an injustice. I think we have to fight to redress that injustice, but let us not also embroil people who are innocent in this fight for justice, because then we do nothing more than cause a harm while we are trying to correct one.

Mr. REDMOND. Mr. Chairman, reclaiming my time, the people of New Mexico already thought about that before the gentleman thought about it, because they are very concerned about their neighbors. And if the gentleman will read the bill very carefully, the land that is now private land will be completely exempt from this.

So my colleagues need to remember that those who are current owners, that currently hold title, if they purchased that from the Federal Government, they are exempt. But if there is a claim on that land, the Federal Government will compensate the original heirs and the title will not be clouded.

Mr. BECERRA. If the gentleman will further yield on that point, my understanding is that they will be compensated by taking Federal land, which may be a way to resolve this, but my concern would then be what Federal land?

Mr. REDMOND. I am glad the gentleman raised the point. The first thing we need to understand is the context of the State of New Mexico. We can basically break New Mexico into three portions: One-third of the State is owned by the people, one-third of the State is owned by the State of New Mexico, and one-third of the State is owned by the Federal Government. The Federal Government owns 28 million acres of land in the State of New Mexico. If every single one of these was adjudicated in favor of the claimants, that would only total to somewhere between a million, to a million and a half acres, which would then leave the Federal Government with a total of 26½ million acres still in the State of New Mexico. So there is plenty of land there.

The thing we need to remember is that this was private land taken from American citizens who were of Mexican descent, Hispanic descent. They themselves were American citizens and their land was taken by the Federal Government.

Mr. BECERRA. If the gentleman will further yield, I appreciate that point, because he is right, the folks trying to make these claims are people who, in many cases, have not had access to our courts of justice nor our elected representatives. But my understanding is that it does not resolve the problem of now it appears that we are taking from Peter to give to Paul, and the last thing I want to do is start creating a difficulty with another American. We are all Americans, and I want these Americans to be redressed, but I do not want to do it at the expense of an innocent American.

The gentleman may say that the land that would be taken is Federal land, but I would like to know which Federal land? Is it land that is currently used by Americans?

The CHAIRMAN pro tempore (Mr. SUNUNU). Are there any amendments?

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

And to continue the thoughts our colleague from California has raised, the point was, and of course we went right by that, that somehow the Congress is going to come back and give away one of the national forests, apparently, or some portion of it in New Mexico or one of the other areas. But the fact is that we may very well not do that. I think there would be quite a debate here. And the issue is that we have created a cloud over the title of a Private Property. We have created a cloud over the title, and generally what happens when there is an imperfect title is the value of the land is depreciated. So the answer to the gentleman's question is quite clear.

Now, some concern was raised about my views on property rights and takings. I would just point out that I do believe, and have advocated, regulation of lands with regards to wetlands and with regards to the Endangered Species Act, and with regard to its impact in terms of zoning and some of the Federal Government's effort, the national government's effort to deal with that.

The real issue here has been the debate over what constitutes an actual taking and the suggestion that they could not find redress in the courts with regards to takings. And that has been the case most often and there has been efforts in this Congress to change the definition of takings and define zoning as takings. But what we have here, of course, is a pretty well-established precedent in terms of how to cloud up a title. That is exactly what is going to happen here until this is resolved.

The fact of the matter is, and I misspoke, because they changed the amount of money in this bill, it is actually a bill that will be 10 years for this commission, with a million dollars a year rather than $1.5 or $10 million, so I wanted to clarify that for the record for this five-member commission. But in fact what we are creating here is, literally, whether we translate it into property that is transferred or land that is transferred, we are really setting up hundreds of millions of dollars of value of various claims that are going to be made. That is what this sets in motion, this commission will set in motion. In New Mexico I think it will amount to that type of dollar figure.

Now, we can transfer lands and suggest that has no value because it is national lands or State lands. But all of these property rights are related to what happened in the States, whether or not they be territories at the time. It is not necessarily the territorial authority that made these decisions. It could and most often was private interests. I know in the case, for instance, of the Native American lands, that very often Native Americans lost their lands. They did not understand the language; did not understand how to read or write. They lost their lands on an unfair basis.

My concern here is not with addressing it, it is that the system that is set up, the template in this bill, is deeply flawed. It is seriously flawed in terms of what is going to be produced. I would try to limit damage control by limiting it to New Mexico, but I can assure all of my colleagues who represent

the other seven States are going to have the same problem. So if we want to base this on a flawed foundation, we can proceed.

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

Mr. VENTO. I yield to the gentleman from California.

Mr. BECERRA. I thank the gentleman for yielding to me. I am trying to make sure I have read this bill correctly, and I am reading now on page 11 under section 7, which deals with the report that is to be submitted to the Congress and to the President.

It reads, "As soon as practicable, after reaching its last decision under section 4, the commission shall submit to the President and the Congress a report containing each decision, including the recommendation of the commission regarding whether certain community land grants should be reconstituted so that the Congress may act upon the recommendations."

My concern again is this is all "may", "might". It is not a "shall". We know in this body if we want to do something we have to say "you shall do it". That commands. "You must do it". "May" says you decide what you want to do. There are a lot of things in law that say "may" that we never work on.

So to lead people to believe in New Mexico or any other State that this bill will give them redress is, I think, raising hopes to a higher expectation. And it is unfortunate because they will find themselves falling flat on the ground, and it will all be done while we are clouding the opportunity of those innocent purchasers of property to know whether or not they really can hold on to their land or even sell it in the future.

I think that is the worst mistake, to embroil innocent folks in a fight that involves the government, which did wrong, with the successors of those who were wrong. That we need to change. And I wish this were a bill that really did have the teeth, because I would love to be able to support something so we could finally close this ugly chapter in American history where we caused pain and we stole from people at the expense of our reputation as a government.

□ 1300

Mr. VENTO. Mr. Chairman, I mean, legally I think there is no substance and basis, and morally I think we do have a responsibility. But this is an open invitation, and if something is presented to Congress that is going to cost hundreds of millions of dollars transferring vast areas of land in New Mexico to compensate, it is going to hit this Congress and it is going to go nowhere.

We ought to be facing up to that at this time, at least anticipating. And I think that is the job of the Committee on Resources and the other committees of this Congress, not something to be sent to a commission.

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

Mr. Chairman, the gentleman from California talks about the idea of it not having any teeth in it. Well, when this thing came about, what procedure do we follow on something that happened in 1848? We are somehow establishing a procedure. If it was that way, we would not get any votes on this thing.

This is a procedure so we can come to the final position of having some teeth in it. And I agree with him. But at this point no one could figure out the hoops we go through, the paths we go down, the road map that is laid out because there are no road maps to go down. No one has given us one.

So I commend the gentleman from New Mexico (Mr. REDMOND) for giving us a road map to resolve this particular question.

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

Mr. HANSEN. I yield to the gentleman from New Mexico.

Mr. REDMOND. Mr. Chairman, I would like to point out in the bill, in section 4, part (g) concerning protection of non-Federal property. "The decision of the commission regarding the validity of a petition submitted under subsection (a) shall not affect the ownership, title, or rights of owners of any non-Federal lands covered by the petition."

And then in response to the idea that it does not have any teeth, the opposition cannot have it both ways. We have one view that we are raiding the Treasury for billions of dollars from one member of the opposition, and then another member of the opposition says that it is a pussy cat and it has absolutely no teeth at all. We cannot have it both ways. It either has teeth or it does not have teeth.

The CHAIRMAN pro tempore (Mr. SUNUNU). Are there any amendments?

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

The committee amendment in the nature of a substitute, as modified, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BLUNT) having assumed the chair, Mr. SUNUNU, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the treaty, pursuant to House Resolution 522, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

Mr. MILLER of California. 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 223, nays 187, not voting 25, as follows:

[Roll No. 421]

YEAS—223

Aderholt	Davis (IL)	Horn
Archer	Davis (VA)	Hostettler
Armey	Deal	Houghton
Bachus	DeLay	Hulshof
Baker	Diaz-Balart	Hunter
Ballenger	Dickey	Hutchinson
Barrett (NE)	Dixon	Hyde
Bartlett	Doolittle	Inglis
Barton	Dreier	Istook
Bass	Duncan	Jenkins
Bateman	Dunn	Johnson (CT)
Bereuter	Ehlers	Johnson, Sam
Bilbray	Ehrlich	Jones
Bilirakis	Emerson	Kelly
Bliley	English	Kim
Blunt	Ensign	King (NY)
Boehlert	Everett	Kingston
Boehner	Ewing	Klug
Bonilla	Fawell	Knollenberg
Bono	Foley	Kolbe
Brady (TX)	Forbes	Latham
Bryant	Fossella	LaTourette
Bunning	Fowler	Lazio
Burr	Fox	Leach
Burton	Franks (NJ)	Lewis (CA)
Buyer	Frelinghuysen	Lewis (KY)
Callahan	Gallegly	Linder
Calvert	Gekas	Livingston
Camp	Gibbons	LoBiondo
Campbell	Gilchrest	Lucas
Canady	Gillmor	Manzullo
Castle	Gilman	McCollum
Chabot	Gingrich	McCrery
Chambliss	Goodling	McHugh
Chenoweth	Goss	McInnis
Christensen	Graham	McIntosh
Coble	Granger	McKeon
Coburn	Greenwood	Metcalf
Collins	Gutknecht	Mica
Combest	Hansen	Miller (FL)
Condit	Hastert	Moran (KS)
Conyers	Hastings (WA)	Morella
Cook	Hayworth	Myrick
Cooksey	Hefley	Nethercutt
Cox	Herger	Neumann
Crane	Hill	Ney
Crapo	Hilleary	Northup
Cubin	Hobson	Norwood
Cunningham	Hoekstra	Nussle

Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Rangel
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Torres
Traficant
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Yates
Young (FL)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barr
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Goode
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
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
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Royce
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scott
Shadegg
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Turner
Upton
Velázquez
Vento
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—25

Barcia
Berry
Brown (CA)
Cannon
Dingell
Dooley
Furse
Gephardt
Gonzalez
Hefner
Kasich
Kennedy (MA)
Kennelly
LaHood
McDade
Moakley
Poshard
Pryce (OH)
Rush
Schumer
Sisisky
Tauzin
Towns
Wise
Young (AK)

□ 1323

The Clerk announced the following pair:

On this vote:

Mr. Young of Alaska for, with Mr. Berry against.

Ms. WOOLSEY, Ms. DELAURO, Ms. CARSON, Mr. MINGE, Ms. RIVERS, Ms. VELÁZQUEZ and Mr. OBERSTAR changed their vote from "yea" to "nay."

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOSS. 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. 2538, the bill just passed.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3892, ENGLISH LANGUAGE FLUENCY ACT

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 516

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. 3892) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours and, thereafter, as provided in section 2 of this resolution. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII, if offered by Representative Riggs of California or his designee. That amendment shall be considered as read, be debatable for 10 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. If that amendment is adopted, the provisions of the amendment in the nature of a substitute as then perfected shall be considered as original text for the purpose of further amendment under the five-minute rule. After disposition of the amendment numbered 1, it shall be in order to consider the amendment printed in the Congressional Record and numbered 2 pursuant to clause 6 of rule XXIII, if offered by Representative Riggs of California or his designee, which shall be considered as read. That amendment and all amendments thereto shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent. 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. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After consideration of the bill for amendment under the five minute rule for three hours pursuant to the first section of this resolution, no further amendment to the amendment in the nature of a substitute made in order as original text shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Each further amendment may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. Each further amendment and all amendments thereto shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

□ 1330

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from Florida (Mr. GOSS) is recognized for one hour.

Mr. GOSS. 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. All time yielded is for the purposes of debate on this issue only.

Mr. Speaker, this is a fair and appropriate modified open rule. The rule provides 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Education and the Workforce. The rule also provides a 3-hour time period for amendments, after which amendments preprinted in the CONGRESSIONAL RECORD may also be offered and debated for a period not to exceed 10 minutes.

The rule provides for consideration of a manager's amendment if offered by the gentleman from California (Mr. RIGGS), the chairman of the subcommittee.

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

This rule provides ample opportunity for debate and amendment on this very important issue. There were no minority amendments, I am told, offered during committee consideration. The ranking member, the gentleman from California (Mr. MARTINEZ), testified to our Rules Committee that he had no intention of offering any amendments to the bill. In fact, the Rules Committee received only two amendments, both offered by the chairman of the subcommittee, the aforementioned gentleman from California (Mr. RIGGS).

Despite these clear considerations that interest in amending this bill is limited, the rule provides for 3 hours for amendments and even allows amendments preprinted in the CONGRESSIONAL RECORD to be offered after that time period of 3 hours has expired.

Given the very real time constraints we encounter in this body as we approach sine die adjournment, I think this is a very reasonable, appropriate and fair rule, and those who wish to take advantage of this subject certainly have ample opportunity.

Mr. Speaker, in some situations, bilingual education in our public schools has served its purpose very well. However, many of the current bilingual programs have not worked as well as we had hoped, both in teaching students our common language and in providing quality academic instructions, and this is a fact.

H.R. 3892, the English Language Fluency Act, block grants funds to States with the assurance that all local districts needing bilingual education programs will receive adequate funding.

This is an extremely important breakthrough. It then gives districts the flexibility to choose programs that work. As the chairman, the gentleman from Pennsylvania (Mr. GOODLING), correctly noted in his Rules testimony, and I quote, flexibility is the name of the game.

H.R. 3892 requires that parents consent to their children being placed in a bilingual program and allows parents to choose the type of instructional method their child will use, if more than one method is in fact available.

A weakness of the current system is that too often parents are simply ignored during this process. H.R. 3892 addresses that problem head on by putting parents in the driver's seat once again. I think it is something that will be welcome news to parents.

Another very real problem in my district and throughout the Nation is that bilingual programs are becoming a way of life rather than a swift and certain transition process.

Mr. Speaker, in order to ensure that students are making a quick transition into society, including the mastery of the English language, H.R. 3892 would require that federally funded bilingual programs aim to achieve English fluency within 2 years and would end Federal funding after 3.

Finally, H.R. 3892 recognizes that the money should follow the children. Under a new funding formula, States like Florida and California with a disproportionate number of children with bilingual needs would receive a larger share of the pie. That is where the problem is; that is where the money should go.

Mr. Speaker, the answers to our education problems do not reside in Washington, D.C. Instead of further empowering the D.C. education bureaucracy, we ought to be giving localities and parents the ability to choose successful bilingual programs. Our goal should be a smoother transition into American society for all children, and I think this legislation makes great strides in that direction.

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

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

Mr. Speaker, I thank my friend from Florida for yielding the customary 30 minutes.

Mr. Speaker, the House is scheduled to adjourn in less than a month and in that time we have important business to conduct, business that will require the cooperation of both parties. At the very least, we must finish appropriations bills, bills which are themselves complicated and contentious. Yet, today, the majority has chosen to bring before the House divisive legislation that will do nothing to advance the agenda that the Congress must address before we adjourn next month.

What this legislation does advance, however, is a misguided political agenda. This is an agenda that attempts to get rid of the Department of Education. The so-called English Language Fluency Act tramples on the rights of school children and their rights to an education that will allow them to become productive citizens of this country.

I should point out to my colleagues that the Republican governor of Texas, George W. Bush, recently addressed the National Convention of the League of United Latin American Citizens in advocating reviewing and repairing the bilingual education programs, rather than ending them, as this bill would do.

Mr. Speaker, this bill guts bilingual programs that have been designed to meet the needs and the rights of students. Let me read from the minority views in the report to accompany H.R. 3892. Those views state, and I quote: "The language in H.R. 3892 which voids all the voluntary Compliance Agreements entered into by the Department of Education, the Office of Civil Rights and local school districts . . . is an unprecedented and shameful effort to gut enforcement of the Civil Rights Act of 1964 as it applies to the education of language to minority students."

Those compliance agreements do not dictate how school districts design their bilingual education. Rather, Mr. Speaker, they are voluntary agreements reached with the Office of Civil Rights that ensure that school districts implement bilingual education instruction which results in the academic success of students with limited English. Compliance agreements and the programs implemented under them seek to ensure that children can learn not just English, but that they can learn in English. That is an important distinction that I fear many of my colleagues might have missed.

By missing that distinction in the writing of this legislation, the effect of H.R. 3892 is to deny access to the best education that we can offer school children who are not yet English-language proficient. To do so is to deny over 3 million children access to the kind of education that they need in order to achieve social and economic success in America.

Mr. Speaker, the Supreme Court has established that it is a civil right for language-minority children to receive meaningful instruction that will allow them to fully participate in school. Much of that assurance has come since the decision in Lau v. Nichols, in the voluntary, yes, voluntary, Mr. Speaker, agreements that the school districts have reached with the Office of Civil Rights. Summarily dismantling those agreements may serve a political interest, but it is not in the interest of a single child.

Consequently, Mr. Speaker, I rise in strong opposition to this bill and rise in opposition to this rule simply because it provides for the consideration of this ill-considered and discriminatory legislation. In addition, Mr. Speaker, there are many groups who oppose this bill. Among them are the American Association of University Women, the Council of Chief State School Officers, the National Association of Elementary School Principals,

the National Parent-Teachers Association, the National School Boards Association, the Mexican-American Legal Defense Fund, the National Council of La Raza, and the Leadership Conference on Civil Rights; and I might add, Mr. Speaker, countless thousands of parents who want only the best, perhaps a part of the American dream, for their children.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, one of America's enduring strengths has always been its ability to embrace new people, new cultures, and new ideas. Part of our success in this has been the readiness of public schools to tackle the challenge of teaching children from all over the world.

Let me be very clear. We all want and we expect every new American to learn English and to learn it quickly. The question is, how do we best accomplish that.

Bilingual education is a vital teaching tool in this process, a means of communicating with students so that they can learn as much as they can as quickly as they can and integrate themselves into American society. Bilingual education is just that: bilingual. It does not mean that students do not learn English. Rather, they learn English while keeping up on all of their other subjects as well.

Now, this proven method of instruction has made an immeasurable difference, made a big difference in the lives of thousands and thousands of students, many of whom have gone on to become doctors and lawyers and teachers and members of the legislature and even the Congress.

So, in short, it works. But this Republican bill seeks to end bilingual education. It undermines established standards, and it actually, it actually imposes Federal mandates on local school districts, overriding local school education.

This Republican bill is a one-size-fits-all approach to a complicated problem. It strips the local school districts of autonomy and the flexibility that has always been theirs. In short, it is a bad idea. It is bad for education. It sends the wrong message to the diverse and talented school children that go to school every day in this country eager to learn.

So I rise, Mr. Speaker, to encourage my colleagues to oppose H.R. 3892. It is a bad bill.

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

Mr. BONIOR. I yield to the gentleman from California.

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding, just so I can clarify a point he just made, because I am very astounded to hear the gentleman say that our proposed reforms constitute a one-size-fits-all mandate imposed on State and local education agencies.

My question to the gentleman, whom I thank for yielding, is does he realize that under current Federal law, 75 percent of all Federal taxpayer funding for bilingual education instruction must go for native language instruction and does not that constitute a one-size-fits-all mandate with respect to 75 percent of the funding?

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ), my friend, to help answer that question.

Mr. RODRIGUEZ. Mr. Speaker, I would suggest that that is not the case. In fact, there are some beautiful programs that are labeled bilingual. One of them is dual-language instruction that allows non-English speaking youngsters to be able to participate and be able to enhance their language and learn other languages also.

Mr. GOSS. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I thank the gentleman for yielding time to me. I thought he did an outstanding job in describing the rule under which this bill is brought to the House floor today.

Let me agree with the gentleman from Florida when he describes the rule as being somewhat complex, but fair. My colleagues will note that members of the Democratic minority have an opportunity to offer, I think, all of the substantive policy amendments that they requested be made in order through the Committee on Rules, number 1; and number 2, there is equal balance in amendments that are made in order under the rule. So let me turn my attention to the actual underlying legislation for just a moment.

Let me say that my friend from Texas, who was recognized a moment ago by the minority whip, is right when he says that a number and a variety of programs can be funded with Federal taxpayer funding under current law. But he ignored the fundamental point that I was making, which is that the mandate in current law that requires that 75 percent of Federal taxpayer funding go for native language instruction.

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

Mr. RIGGS. Mr. Speaker, perhaps when I have more time, although I would be happy to truly have a bipartisan debate across the center aisle, or the partisan aisle.

That mandate is embedded in current law, and what we are trying to do now by proposing reforms to the Federal Bilingual and Immigration Education Acts is to give local school districts more say, more flexibility, more discretion, more control in determining the bilingual instruction program, the bilingual instruction method that they feel is appropriate for children in that local community.

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

Mr. RIGGS. I yield to the gentleman from Texas on that point.

□ 1345

Mr. RODRIGUEZ. Mr. Speaker, I would ask the gentleman, by doing that, in restricting it to 2 years, how is he allowing that to occur when he is actually telling the individuals in the districts they can only offer it for 2 years, when there is no pedagogical basis, educational rationale? And we all recognize that the research says that you have to have a minimum of 7 years before you even grasp a language. In fact, all educators would disagree with the gentleman, that there is no reason whatsoever for limiting it for 2 years.

Mr. RIGGS. Reclaiming my time, Mr. Speaker, I would respond to the gentleman's very legitimate and I think sincere question by saying, first of all, it is the goal of the legislation to move all limited or non-English-speaking children, what we call under the bill "English language learners," to English proficiency in 2 years. That is the overarching goal.

We really do believe that a child who enters the public schools should be able to read and write well in English, the official and commercial language of our country. That is the goal. However, the funding limitation in the bill is 3 years.

Furthermore, I would be happy, and I think the chairman of the full committee would be happy, to consider allowing a case-by-case exception to that, so that under exigent circumstances that 3-year funding limitation could be extended.

Let me make one other point, which is, despite the fact we have a 3-year funding limitation under our bill with respect to the Federal programs, there is nothing, of course, in our bill that prevents State and local school districts from using State and local taxpayer funding to continue the education of a non- or limited-English speaking student beyond the 3-year limitation contained in our bill. It only applies with respect to Federal taxpayer funding.

Mr. RODRIGUEZ. If the gentleman will continue to yield, Mr. Speaker, what rationale did the gentleman use to limit it to 2 and 3? Because it was not educational at all.

Mr. RIGGS. Reclaiming my time, yes, it in fact was. We heard expert testimony. I realize that people can differ. My response to this is we heard from many people who are concerned about the fact that our limited or non-English speaking students languish too long in native language instruction

programs, in native language instruction classrooms, and that that may be a contributing factor to the unacceptably high dropout rate on the part of Hispanic American students. That is why we are attempting to address this concern with this legislation here and now.

I will further discuss later today a poll that just came out within the last few days, and this is a newspaper article dated August 26, that found that 88 percent, and I want to get the exact number here, 88 percent of immigrant children questioned preferred speaking English, and they are eager to embrace English and eager to make the transition to English proficiency and English fluency at the earliest possible date. I would argue that is the real key to their future academic and professional success in their adult lives.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the gentlewoman from New York, and let me acknowledge that I would like to listen to those 88 percent that my colleague has just announced to America; absolutely, who would say less? Americans, people who come to America, desire to be like Americans and they desire to speak English. What a ludicrous citation. But what this legislation does, it does not enhance that little one's opportunity to speak English, it detracts and denies. This legislation and the rule I oppose and the bill I oppose is accusatory, it is slanted, it is stigmatizing, and it undermines the premise of local control for school districts to educate our children.

We would not go anywhere in America and find people disagreeing with understanding and speaking and reading English, but in fact, there is something else to do. It is educating our children.

This bill jeopardizes our mission, number one, for all providers of primary education to give children a well-rounded education that will prepare them for life as adults. By forcing these children to focus all of their efforts on learning English, these immigrants will fall far behind in math and science, so someone can read but they cannot balance their checkbook.

By imposing a national and unitary standard, we automatically assume that every immigrant child in this country will learn English in the exact same way. If we still want this Nation to maintain the goal of giving every child an opportunity, we must have an individualized approach.

My school district in Houston has a predominantly Hispanic population. We have been cited throughout the State for having the highest performance in reading. That is because we understand, as educators and community, to leave education to educators who will help those children learn English, and my God, can Members believe it, be bilingual.

That is the insult of this bill, it denigrates what we have done in our own States. I would say that this is a bad rule, this is a bad bill, and it stigmatizes Americans, which we should not do.

Mr. Speaker, I rise to speak against the adoption of this bill, which changes the way that English is taught in schools throughout this country.

I oppose this bill because I fear that it will do substantially more harm than good. H.R. 3892 does nothing to improve education, and in fact, potentially hurts those people that it is supposed to help, children.

This bill places in jeopardy what should be "mission–1" for all providers of primary education—to give children a well-rounded education that will prepare them for life as adults. By forcing these children to focus all of their efforts on learning English, these immigrants will fall far behind in other important areas of development, such as math and science.

Currently, bilingual education programs are geared to teach immigrant children English, while at the same time making sure that they continue to improve in other academic areas. If this bill succeeds, we are potentially creating a substantial population of adults who may speak English well, but cannot balance their checkbooks. We must remember, language is but one of the skills necessary for people to survive in this world.

I am also opposed to this bill because it voids all of the "consent decrees" entered into by local schools, parents, and the Department of Education without adequate deliberation. These consent decrees have been carefully crafted by the proper authorities, with exacting and careful scrutiny, to meet the needs of these children, and to force compliance with our federal Civil Rights laws. We should not void them with the haste with which we are moving.

This bill is also deficient because it imposes a national standard where regional ones would be preferable. Language patterns in this country differ from region to region, and some languages have more in common with English than others. It is fundamentally impossible to paint a portrait of language in America, which requires delicate and careful strokes, with the clumsy and broad brush utilized by H.R. 3892.

By imposing a national and unitary standard, we automatically assume that every immigrant child in this country will be able to learn English in the same, limited amount of time. If we still want to maintain the goal of giving every child in this nation the individualized attention that they require to succeed in this world, then we ought to move away from hardline standards. We should instead allow our state and local governments to determine the most suitable language education policy for their needs.

Furthermore, not only must we reject this bill because it takes decision-making authority from local and state governments, but also because it takes discretion and choice away from the parents who send their children to school. If this bill is passed, parents no longer can select the manner in which their children will learn English. It is wholly inappropriate for the federal government to interject itself into the midst of what is essentially a family decision, and usurp parental authority, in order to control the manner in which a child should learn English.

Parents should be able to choose to enroll their children in some of the new, innovative language programs that are being conducted across the United States. For instance, in both California and Texas, some school districts have instituted voluntary "two-way language immersion" programs, which aim to teach children, regardless of their background, both Spanish and English as they make their way through school. These programs produce young children, fully fluent in two languages by the time they leave elementary school. We should not endanger these special programs, especially in light of the successes that they have already managed to achieve.

I strongly urge all of you to vote no on this bill, and protect our states, our parents, and most importantly, our children, from this terrible government intrusion.

Mr. GOSS. Mr. Speaker, it is my honor to yield 2 minutes to the gentleman from the Commonwealth of Pennsylvania (Mr. GOODLING), the distinguished chairman.

Mr. GOODLING. Mr. Speaker, I think I understood the gentlewoman correctly, and if I did, it was a total misinterpretation of the language that is in this bill. I thought she said that this legislation undermines the local school district's ability to teach our children.

This legislation does positively just the opposite. This legislation gives that local school district the opportunity to determine how they transition a student. Instead of Washington, D.C. saying for all these years that there is only one way to do it, it took us 10 years to ever get the 25 percent. The gentleman from Texas was able to move that legislation. He is no longer a member of the Congress, he later became a mayor. But nevertheless, it took us all that time just to get people to understand that there is more than one way, there is more than one way in order to transition students.

Our whole goal is to make sure there is a quality education for every child. I want to make one other statement. We are not talking about Hispanic legislation today. Let us get that in our minds and keep it there. We are talking about 100-and-some languages in the city of Chicago, we are talking about 100-and-some languages in Virginia, right across the river. That is what we are talking about. So let us try to think about what is in the best interests of getting a quality education to every child. And who knows better than anybody? The local school district.

There are so few people that participate in this program now, we want to make sure, first of all, that more may participate if they wish; but secondly, we want to make sure that they have

the flexibility to do it so they can accomplish a quality education for every child.

One size does not fit all, coming from Washington, D.C. I could not believe it when I heard what the whip, the minority whip, said, that we were trying to give a one-size from Washington. That is what we are trying to get away from once and for all.

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

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Do not be fooled by the arguments of the proponents of this legislation, I say to the Members. This legislation does everything but provide an opportunity to learn. It begins to provide some restrictions to the local districts. They have those options to provide those opportunities.

Yes, my colleague is correct in saying that the bilingual programs that are out there are a variety of different types of programs. There are some beautiful programs that are there. I mentioned earlier the dual program approach, where it takes a mono-English child, and be able to participate with the mono-English speaking child in the same way, and they will be able to learn together and go forward.

This particular proposal, the only thing it does, it cuts and does not allow them to go beyond the 2-year period. That is restrictive. I do not know what they call it, but that is a government law that they want to pass that will restrict the local option for them to be able to go forward and be able to do the things that they are doing now.

I also would mention that the Governor of Texas has recognized the beauty of the bilingual program. At a time when we have the global economy, at a time when we are asking our youngsters in high school to have three to four different years so they will be able to learn a different language, we are now saying no, we are going to limit it to 2?

Let me ask the public, if they want to learn a language, do they think they can learn it in 2 years? No. Even the people, the educators, tell us that a minimum of 7 years is required to be able to grasp the language and be able to understand it. So that opportunity needs to be there for all Americans to be able to pick up, especially those youngsters as they move on in our particular schools.

This particular legislation, all it is is to restrict, and what I see, there is no logic to it. It is based on ignorance and apparently it is based on political motivations; also, in terms of racist attitudes, because it hits this, applying it just because of the elections that are coming up in November. That is the reality. It is not based on any kind of educational soundness.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Mr. GOODLING).

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

I merely wanted to ask the previous speaker, when he was saying, as I have heard him say on several occasions, that bilingual education is a beautiful program, I agree with that, but is the gentleman saying that the only beautiful bilingual program is transitional bilingual education? Is that the only beautiful one?

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

Mr. GOODLING. I yield to the gentleman from Texas.

Mr. RODRIGUEZ. No. I am not saying that. In fact, if the gentleman heard me well, I am talking about the dual language instruction program that is a beautiful bilingual approach, where it also brings in the monolingual English-speaking child. That is part of that program. It is a beautiful program.

Mr. GOODLING. That is exactly what we are saying here. Taking back my time, what we are saying here is that they can design those programs locally. All we are saying here is do not say that we have to use a transitional bilingual education or we do not get help, because they have better programs.

I agree with the gentleman, there are beautiful bilingual programs out there. Let us give the local school district the opportunity to choose those that they want to use.

Mr. RODRIGUEZ. If the gentleman will yield further, Mr. Speaker, I ask Members to vote no.

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

Mr. GREEN. Mr. Speaker, I thank my colleague on the Committee on Rules for yielding time to me.

Mr. Speaker, I rise not only in opposition to the bill, but also I am concerned a little bit about the rule, even though it is fairly flexible. I rise in opposition to the English Language Fluency Act because the bill makes bilingual education a political issue.

It seems to me that my colleagues on the Republican side have forgotten children should not be a political issue. The English Language Fluency Act is not only an assault on bilingual education, but it is an attack on the very openness and broadness that we have come to value in our country.

We have all come from somewhere. I am proud of my heritage, just like everyone is proud of theirs. We all come from somewhere. Bilingual education was designed on a national basis but enhanced by our local and State governments to provide for that diversity. It is our duty as Americans to make sure our children are educated, and our educational systems must be designed to provide for America's diverse population. This bill would make successful education impossible without destroying bilingual education. It is something our country simply cannot afford.

Let me talk from a Texas perspective, because the State of Texas has provided, since 1973, more money for bilingual education on the State level. We would like to be able to set our own standards, not 2 years or maybe an extra third year. Why should Washington know what the State of Texas or the city of Houston is already doing in our school districts? That is what is wrong with this bill.

The concern I have is that it is a political issue set up for this November 3 election. This bill will not see the light of day in the U.S. Senate after the vote of today.

Let me give some background. I grew up in the city of Houston, went to a majority Hispanic high school in the sixties, before we had a Federal bilingual program or a State program. I watched when students would come in to my high school when I was 16 and 17 years old and try to immerse. Those students did not stay more than a day or two. They dropped out, and that is why bilingual education is needed. It is a transition program, and it is important.

I strongly support bilingual education because it is an essential, transitional tool that allows students to become fluent in English while they progress in subjects like math and science. Eliminating bilingual education would create a society with no mechanism to integrate new citizens into reading and writing English.

Mr. Speaker, I urge a no vote on the bill.

□ 1400

Mr. GOSS. Mr. Speaker, may I inquire how much time remains on either side?

The SPEAKER pro tempore (Mr. SUNUNU). The gentleman from Florida (Mr. GOSS) has 17 minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 16½ minutes remaining.

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

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

Mr. TRAFICANT. Mr. Speaker, for some reason everybody is afraid to speak what they really feel. I am not opposed to all of the languages and the different ethnic heritages in our Nation, but I support the English language as our official language.

We are all immigrants. Some came with knapsacks on their backs. Some came in the belly of slave ships. Black, white, Christian, Jew, we all have one thing in common. We are all Americans. And the glue that binds us together is our Constitution, our Bill of

Rights, and our language. The English language.

Mr. Speaker, it seems every time we have this debate, it is muddied with the politics of fear. The politics of separation. The politics of division. The politics of hate. The politics of ethnicity. One Nation under God. One Nation, not separate communities. Congress should ensure that America is a nation of one people, not separate communities, and we do that by fortifying our language.

Mr. Speaker, I support English as the official language. So be it. And I advise the Congress to look at it in that vein and remove the politics.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, it is unfortunate at this late date in the year when we have not yet had one of the 13 appropriations bills that must be passed in order for this government to function go through the process and when we still have not been able to deal with all of the significant national legislation that is before us, to find ourselves debating a bill that never got an appropriate amount of time to be heard, were never given an opportunity to bring on those who are experts in the area of bilingual education to testify, and never, never gave the minority in the House of Representatives the opportunity to participate in the drafting of this legislation.

This is a bill which affects Title 7 of the Elementary and Secondary Education Act. The Elementary and Secondary Education Act in 4 months is going to go through a total reauthorization, a revamping. Why, when that is 4 months from now, are we plucking out only one of the titles in that most important of bills that deals with education at the Federal level? We could only guess why. But to do it at a time when we are only 8 weeks away from an election, to do it at a time when there was an election in California in June that dealt with, in part, this issue of bilingual education leads a lot of us to be suspicious.

Mr. Speaker, why not have a full and fair opportunity to really air the issue of bilingual education? If my Republican colleagues really believe that we can make some changes that are meaningful, then let us discuss them. There is no reason why we cannot make changes, but let us do them in a way that will not impact negatively the 3.2 million children in America that are limited-English proficient and are yearning to learn English.

Mr. Speaker, as the poll we cited a moment ago showed, 88 percent of immigrant persons are who not yet proficient in English would love to learn it. Of course they would. Who would not want to be able to go to the playground and play with his or her peers? That is not the point. The point is to make those resources available to teach these kids. This bill does none of that.

Mr. Speaker, this bill does none of that. If we were truly trying to address the issues of educating our kids, and in this case the millions of our children who are yearning to learn English, we would not do this in a rushed way and we would not do it in a way that takes away the control that local districts have right now in how they educate their kids.

Certainly, if there was a sincere effort to do this, we certainly would not undo the 288 different consent decrees that we have across the Nation where school districts have come together with the Office of Civil Rights and the Department of Education and said, "You are right. There is evidence that we were not properly educating children who are not English proficient. And you are right, we should do something and we agree voluntarily to do something."

Mr. Speaker, they entered into consent decrees, written and now enforceable, that say that these districts will do certain things. Now, for this legislation to say all of those consent decrees voluntarily entered into by all of those school districts are null and void is shameful. Because what is to say that those of us here in Washington, D.C., know better than the folks that are in those 288 school districts, or any of the school districts in our Nation that have decided how best to educate their kids? It is unfortunate that my Republican colleagues have decided to completely take away that local control from those school districts to make those important decisions.

There is every opportunity for us to have meaningful debates on bilingual education, the merits, demerits, the same as we should have debates on public education, private education. But to say that because we have one single hearing in this body here in Washington, D.C., where only one of the witnesses, except for the two Members of Congress, one Member of Congress opposed to bilingual education, one Member supporting bilingual education, but all the other so-called expert witnesses, 11 witnesses, only one could speak on behalf of bilingual education, that is not meaningful. That is why procedurally we should defeat this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise today to express my strong opposition to H.R. 3892, the English Language Fluency Act. Pure and simple, this bill is riddled with problems and does little in the way of promoting English fluency.

In my home State of Texas, there are almost half a million limited-English proficient children. Across the country, there are close to 3.5 million LEP students. What H.R. 3892 will do is severely hurt these millions of children who are well on their way to learning English. Let me tell my colleagues why.

Under the pretext of parental choice and flexibility, the gentleman from California (Mr. RIGGS) introduced H.R. 3892 on April 1, 1998 and scheduled a hearing on the bill 1 month later. Oddly enough, and I am a member of that committee, the panel of invited witnesses included only one individual who opposed the Riggs bill; a school superintendent from my own home State of Texas. The other eight witnesses the gentleman invited to testify included English-only proponents such as English First and the Center for Equal Opportunity.

After the hearing, the gentleman from California, my friend, substituted his initial bill for another H.R. 3892 which contains numerous flaws. Let me count them for my colleagues.

Problem number one: H.R. 3892 effectively eliminates Federal support to prepare, recruit and train qualified teachers to teach language-minority students.

Problem number two: This bill lowers standards and expectations for our limited-English proficient students. H.R. 3892 emphasizes mastering English as quickly as possible at the expense of academic and analytical skills. Under the gentleman's bill, schools would be required to focus solely on teaching LEP students to learn English. What about the essentials of the art of learning?

Problem number 3: H.R. 3892 repeals the Immigrant Education Act and replaces it with a loosely structured block grant to States based on the number of LEP immigrant children in their State. Under this proposal, needy school districts will receive even less money, as the bill does not require States to distribute funds in accordance with need nor merit.

Problem number 4: The bill violates the civil rights of language-minority children. Under this bill, Congress would void all past and current voluntary compliance agreements regarding bilingual education entered into by local schools, parents, children, and the Department of Education without even contacting the parties involved or reviewing individual agreements.

Problem number 5: This bill infringes on the ability of local schools to make critical decisions on appropriate curriculum and assessments.

Mr. Speaker, there are many more problems with this bill. For purposes of time, I will not elaborate.

In conclusion, I strongly urge all my colleagues to vote against this hastily drafted bill. Let us wait until next year when we do the reauthorization of K–12, and let us do it through the due

process so we can bring in experts from throughout the country, that we can have field hearings and really do what is best for children. Because children can learn the art of learning in any language, be it English, German, Polish, Italian, whatever the language. But they need to hear it in a language that they can understand the teacher. We want the process to be followed and that the reauthorization be given this legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from California (Mr. TORRES).

Mr. TORRES. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I rise to state my strong opposition to H.R. 3892. This bill is simply shortsighted. It is politically motivated. It is a form of legislation to outlaw any form of bilingual education.

I am sure that the gentleman from California (Mr. RIGGS) hopes to restrict funding that would assist students as they transition to English fluency while simultaneously developing their learning skills. This anti-bilingual education legislation follows a misguided, poorly developed trend in my own home State of California.

Currently, a barrage of lawsuits and appeals have been filed in California to challenge the civil rights violations of the recently passed Proposition 227. This is not a wise direction for Congress to take until the courts and the States sort out who has emerged as a very serious violation of rights.

There is no doubt about it. There appears to be an anti-immigrant movement in this body, and the English-only movement appears to be the primary vehicle. This sentiment is not only un-American, it strikes at the core of cultural diversity that enriches our society. And I firmly stand opposed to any attempts to legislate English as our official language or to eliminate bilingual education programs.

English, my colleagues, is already the official language of the United States. There is no other language other than English. But bilingualism is a resource in our global economy. And I, as a person, have traveled and lived in the world and my experiences have been enriched by my ability to communicate in other languages.

Just like other educational programs, bilingual education works only if it is properly implemented. A quote from the New York Times on April 30 regarding the California proposition states that, "replacing bad programs with a plan to destroy good programs makes no sense. (And the plan to eliminate bilingual education) . . . will not help bilingual students enter the mainstream any quicker."

Education must be the number one domestic policy to prepare America's children for the 21st century. Bilingual education must be available to meet the demands of the fastest growing ethnic group in the country.

One of the greatest problems for our children is the shortage of skilled bilingual education teachers. The opportunity to improve bilingual education must focus on teacher recruitment and professional development. That is a goal that I and my colleagues will pursue. I urge my colleagues to vote against this terrible legislation.

Mr. GOSS. Mr. Speaker, I would like to advise the gentlewoman from New York (Ms. SLAUGHTER) that since my last statement on this fact we have had a speaker come forward and ask to speak for a minute. I wanted, in the interest of fair play, to advise her.

Mr. Speaker, I yield 1 minute to the distinguished gentleman from Pennsylvania (Chairman GOODLING).

□ 1415

Mr. GOODLING. Mr. Speaker, as I tried to point out earlier, we are not talking about a language, we are talking about more than 100 languages.

I would like to also point out at this particular time we are talking in this language about 583 grants. There are 16,000 school districts in this country, public school districts. There are 110,000 schools. We are talking about 583 grants, many of which do not even go to school systems. They go to other organizations.

So let us keep all of this in perspective. Most of the help that goes to LEP children comes from Title I, not from this program, from Title I.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentlewoman from New York for yielding me this time.

Mr. Speaker, I rise in strong opposition to this legislation because I feel that it undermines the efforts that have been made in the past to provide this special service to LEP children. The chair of the subcommittee says that a great deal of assistance is already provided under Title I for limited-English proficient children. That is probably true.

But this is a special program which really stemmed from a lawsuit, the Lau v. Nichols lawsuit, which said that children cannot be expected to be able to have equal educational opportunity unless they understood the message that was being transmitted to them in a classroom; and if that language that was being used in the classroom was something they could not understand, then how could they be educated?

The thing that offends me the most about this legislation is the nullification of all of the consent decrees which have been put in place from hundreds of school districts in order to make sure that these children from limited-English backgrounds do, in fact, have in place these special programs.

It seems to me that this Congress is being asked in this bill absolutely extraordinary intervention, not only in a judicial decision, but in the ability of the local school districts to implement the requirements in those consent decrees. I do not believe that that is our business, nor should we be exercising any jurisdiction or authority in this regard.

The second thing that I find very offensive is the idea that "one size fits all" in that we have the wisdom to make a determination that a 2-year time limit is all that the program is to have. I do not think that takes into account some of the very, very difficult language situations that are confronted by many of our school districts.

I have a very large number of children that need this special assistance. So I urge this House to vote down this bill as not being one which properly subscribes to the idea of equal educational opportunity.

Mr. Speaker, I rise today in strong opposition to H.R. 1892, the English Language Fluency Act, which will undermine current efforts to provide bilingual education services to limited English proficient children.

The bill imposes an arbitrary time-limit for federal bilingual education assistance of two years. Proponents of this legislation clearly do not understand the nature of learning. Children learn at different speeds. To expect a child whose first language is not English to be able to understand scientific and mathematical terms after only one or two years of English is not realistic.

This arbitrary time limit will force local programs to utilize one particular instructional method—English Immersion. This takes away control from the local school system, administrators and teachers to decide what form of English instruction is best for a particular school system or a particular child.

The Majority has constantly preached the idea of local control of education, yet we have a bill before us that takes away local control and imposes strict federal requirements for bilingual education. There is no evidence that the English Immersion method is any better than other bilingual education methods. What is best may differ from community to community or from student to student. That is why we have always stood for local control over curriculum and teaching methods.

The bill does further damage to the current bilingual system, by eliminating the professional development program. One of the greatest needs in our schools are qualified, trained bilingual teachers. Many school systems have to deal with a myriad of languages. Having qualified teachers who can teach children who speak Spanish, Chinese, Vietnamese, Hmong, Filipino, Thai, Malaysian is essential to the future academic success of children who speak these languages. Teachers with knowledge of a student's native language can help that student make significant progress in learning English and in other academic areas. The professional development

program helps to train speakers of foreign languages and others to teach bilingual education. But under this bill federal support for this important purpose will be eliminated.

Mr. Speaker, I also oppose this legislation because it makes a significant change in the way programs are funded. The block grant structure of the bill ignores the fact that children who need bilingual education services are concentrated in certain areas of this country. Under current law, school districts in areas with high concentrations of bilingual students are able to apply directly to the U.S. Department of Education for bilingual education funds under a competitive grant program. Under the Riggs bill the funds will be distributed to each state based on the number of LEP children in each state. This structure diffuses the impact of limited federal dollars for this purpose.

Furthermore, the U.S. Department of Education states that there is currently no reliable data which would assure an equitable distribution of funds under the formula. Hawaii will lose $464,000 or 43% or our bilingual education funds under the funding formula in H.R. 3892, because Hawaii is estimated to have only 12,611 LEP students.

Finally, Mr. Speaker, the enactment of H.R. 3892 would jeopardize the civil rights of students of limited English proficiency by voiding all of the voluntary Compliance Agreements entered into by the Department of Education, Office of Civil Rights with school districts that were out of compliance with Title VI of the Civil Rights Act.

Schools with limited English proficient (LEP) children are required to assure equal educational opportunities for LEP children. This is required under a 1974 Supreme Court ruling which states that in order to provide equal educational opportunities to LEP children, school districts must take affirmative steps to rectify language deficiencies.

These Compliance Agreements help school districts comply with the Supreme Court ruling and Title VI of the Civil Rights Act to provide equal educational opportunities to LEP children. The unilateral nullification of these Compliance Agreements is an unprecedented effort to gut the enforcement of the Civil Rights Act.

Mr. Speaker, H.R. 3892 will take us back to a time when we did not protect the rights of limited English proficient children to receive equal educational opportunities. We must defeat this bill and look toward improvements in our bilingual education system that will allow us to reach more children, train more bilingual education teachers, and improve the academic achievement of limited English proficient children.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. SUNUNU). The gentlewoman from New York (Ms. SLAUGHTER) has 2½ minutes remaining. The gentleman from Florida (Mr. GOSS) has 16 minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise on behalf of the student I spoke to on Tuesday in Branceforte Middle School in Santa Cruz, Lisa Morelas. She said one thing. She said, kids are dropping out because they cannot get access to the transition of bilingual education.

It seems to me that our commitment here as Members of Congress is to keep that hope alive, not just political promises alive. We have got to measure student performance, not political performance. The student performance says, let them learn English through the bilingual program. Do not cut the program. Do not cut the safety net. Oppose this amendment.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Speaker, I just want to clarify a couple of points because I want to believe that my colleagues on the other side of the aisle are being sincere and not disingenuous in the arguments that they make against the legislation.

For purposes of having an informed debate when we move to general debate and debate on the amendments, let me again refer my colleagues to page 5 of the bill, the 3-year, not 2-year funding limitation in the bill. Just take a moment to glance at it, if you would.

Secondly, let me say to the gentlewoman from Hawaii (Mrs. MINK) and others who just spoke of court-ordered consent decrees, the bill does nothing with respect to court-ordered consent decrees. It only addresses administrative compliance agreements between the Federal Department of Education, Office of Civil Rights and local school districts. We do not in any way encroach on the prerogatives of the judicial branch of government.

Lastly, with respect to local control, my good friend, the gentleman from California (Mr. MARTINEZ), put out a "Dear Colleague" saying this somehow guts local control. This bill is all about local control, allowing local school district to select the bilingual instruction method that they deem most appropriate and then requiring them to get the formal written consent of parents before the child can be placed in the program.

Ms. SLAUGHTER. Mr. Speaker, I yield the remainder of my time to the gentleman from California (Mr. MARTINEZ).

The SPEAKER pro tempore. The gentleman from California (Mr. MARTINEZ) is recognized for 2 minutes.

Mr. MARTINEZ. Mr. Speaker, regardless of what we do here today, we as a nation are going to survive, and certainly English as a language is going to survive. But if we want to look at the motivation behind this by a lot of people on that side, and we talk about sincerity and believe it, we are sincere over here when we believe that this is going to do more harm than it does good, especially for those limited-English-proficient students.

My friend, the gentleman from Pennsylvania (Mr. GOODLING), whom I respect very much, states the idea that there are so many different languages spoken in different school districts. This is throughout the country. Nothing in the current law indicates to school districts how they will, unlike this law, will teach their children bilingual education. They just say that those children need to get a full and meaningful education and that language is a part of that education and that understanding that language is a part of that education.

My friend, the gentleman from Ohio (Mr. TRAFICANT), gives us a solid motivation why this bill is before us now when he says I believe in English. We all believe in English. I should have started this out by saying—(the gentleman from California, Mr. MARTINEZ, spoke in Spanish)—and I will bet my colleagues, almost every person in the United States understands what that is.

There is nothing wrong with knowing and speaking other languages. But more importantly, there is a very, very central issue here, that children need to learn English well enough to learn other subject matters in English. They cannot do that under this bill.

Two years is a time limit, the first yardstick by which these people are going to be measured. Then they are going to be tested not in Spanish so that you can determine adequately how well they learned English, but only in English where they may not have learned. If somebody deems that they are worthy of another year's extension, they will get another year's extension. But remember, the first measure, the first yardstick is 2 years.

I want to ask my colleague, how much language and what language could he learn in 2 years? I doubt if there is any language that he can become proficient in. The idea of this is LEP, limited English proficiency; that is the key.

Mr. GOSS. Mr. Speaker, I yield myself such time a I may consume. I will not use all of my remaining time. There are a couple of points that I would like to make.

First of all, I would like to start out and say this is actually a debate about the rule. We have not heard much about this rule, which I think is good, because I think it is a fair and appropriate rule for the matter at hand.

As sometimes happens when you have a reasonably good rule or a good rule, in the debate on the rule, the time allotted, the debate spills over into the merit of the issue; and that has clearly happened in this place. So I take it we have got a pretty good rule, and I will not talk anymore about that, and I hope everyone will support it.

But before I yield back all of my time and move the previous question, I

would like to point out that I do not think there is anything in this bill, in fact I have been assured by the gentleman from California (Mr. RIGGS) and the gentleman from Pennsylvania (Mr. GOODLING) that there is nothing in here, that this is an English-only bill. I don't know where that came from. The gentleman from California mentioned it as part of some kind of anti-immigrant plot. Not so. There is none of that in here.

What is in here is a good-faith effort to try and improve the fluency of people who do not speak English and allow them to transition into an English-speaking society, which we are in the United States of America; and I think it is a genuine and good effort.

We may disagree whether we have got the right way or the wrong way, but we have certainly provided ample time for debate to deal with that.

I note that several of our colleagues from the other side of the aisle are a little scared of the 3 years that this program enrollment period goes for, and it is 3 years, not 2. They are worried about meeting some kind of a standard or a merit or having any kind of a measure of performance applied.

I can tell my colleagues that I have youngsters in my district who have been in these programs for 4 or 5 years, and they are not learning English. They are stuck in their own community, not taking advantage of becoming English speakers, even though their parents wish them to be fluent and proficient in English because they understand how important that is for the future. Yet, these programs are not working.

I think it is fair to say that we do not have a complete success story or anything like it in the status quo. We are trying to find a way to move forward from the status quo.

I notice my colleagues on the other side have suggested that the status quo is better than what we are presenting, in their view; and in some cases, they have offered some gutting amendments or will offer some gutting amendments, I am told. But I have not heard about any great new programs or any great new ideas.

We have now carved out 3 hours of amendment time. This is a good time to bring forth some brave new ideas, if you have not been able to do it yet. I challenge my colleagues to do that.

I would suggest that my colleague, the gentleman from Pennsylvania (Mr. GOODLING), the chairman, and the gentleman from California (Mr. RIGGS), who is the author of much of this, have done a pretty good job of bringing forth some new ideas. I think it is extremely important that we debate these ideas in a fair way, and that is why we have so much time scheduled for the amendments and any thoughts that anybody has.

In fact, as we have seen, we have used a good part of our rule discussion dealing with trying to understand what the issue is here right now. We have heard all kinds of statements made several times, and it seems like it is getting to be a mantra that somehow or another we are taking away local control. On the contrary, this bill provides for more local control.

Everybody knows that that is one of the planks of the GOP policy is to go to local control for our education people back in the community. This is very consistent with that; otherwise, I do not think this legislation would have gotten this far.

So I think to try and mischaracterize this as any way taking away local control is not straightforward. The idea that perhaps we are trampling on some children's rights by trying to help them learn language and become proficient in the language of our country, which is primarily English, seems to me to be a little bizarre. I think trying to help out our youngsters is a very important thing.

I do note that one of the speakers on the other side mentioned that children are not a political issue. I quite agree that children should not become a partisan political issue. But I do believe children are very much part of our process, and I believe it is very important to legislate and look out for your youngsters.

That is why most of the people who have reached my age in life get out of bed in the morning and go to work, to make sure that what our kids have is a little better than what we started with if there is a way to do that.

So I think that we are trying to do something honorable and something useful and something beneficial for our Nation's children. I think we are trying to do it in a very, very reasonable way. I say that because I hate to see these debates hijacked and scare tactics.

I remember very well some years ago I went home to town meetings and was informed by people there that we were not going to have any longer a school lunch program, and mean-spirited people were going to take away children's school lunch program. That was bologna. That was hogwash. It was not true. It never was true. But it was a great story. It was partisan politics at election time.

This bill deserves better than that. This is a good bill, and it should be discussed for what it says, not what some people keep characterizing that it might say.

So I would urge my colleagues very much to pay attention to this debate, that we go forward now with this rule, that we get into this debate. I hope people will agree that this is a very honorable effort to improve the process of bringing those who do not speak English into the society that does speak English and in this place we call the United States of America.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3694, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1999

Mr. GOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3694) to authorize appropriations for fiscal year 1999 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement Disability System, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida? The Chair hears none, and without objection, appoints the following conferees:

From the Permanent Select Committee on Intelligence, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. GOSS, YOUNG of Florida, LEWIS of California, SHUSTER, MCCOLLUM, CASTLE, BOEHLERT, BASS, GIBBONS, DICKS, DIXON, SKAGGS, Ms. PELOSI, Ms. HARMAN, Mr. SKELTON and Mr. BISHOP.

From the Committee on National Security, for consideration of the House bill and Senate amendment, and modifications committed to conference:

Mr. SPENCE, Mr. STUMP and Ms. SANCHEZ.

There was no objection.

□ 1430

ENGLISH LANGUAGE FLUENCY ACT

The SPEAKER pro tempore (Mr. SUNUNU). Pursuant to House Resolution 516 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. 3892.

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. 3829) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) each will control 30 minutes.

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

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

Mr. Chairman, I want to make a couple of preliminary statements that I made during the rules debate. First of all, I want to make sure that everybody understands we are talking about 16,000 public school districts, 110,000 public schools. That is just a small portion that may participate. And we are talking about 583 grants. That is what this whole debate is about, 583 grants, and we are talking about 16,000 school districts and 110,000 schools.

Second thing I want to make sure everybody understands is when we are talking about LEP students, the financial aid LEP students is in title I. That is where most of the money comes from in order to deal with the issue of making sure every child has an equal opportunity for a quality education.

As a former educator, I know how important it is for each and every child to receive a high quality education. And that is what the gentleman from California (Mr. RIGGS) is doing in this legislation, trying to make sure that every child has that opportunity.

The most frustrating experience I have had in 24 years in the Congress of the United States is this business of we will never admit that some programs do not work very well. We will never admit that there might be something we can do to make them better. It is always if we just have more money somehow or other poor programs will become better.

I have argued this on Head Start for years and years and years. And it was not until this secretary came when she finally closed 50 Head Start programs. Well, we had a lot more than 50 over the years that were not doing well, were not providing the kind of preschool education that children needed, were not putting quality people in those rooms in order to make sure that they would have a quality education.

And so here we are again. Even though the dropout rate does not change, does not go down, goes up, if anything, we are still going to say, but there is only one way to do this. And that is what the argument is all about. The argument is not about is bilingual beautiful, is bilingual education necessary. That is not the argument at all. The argument is are there other ways to do it. Should the Federal Government say that 75 percent of all this money must go to only one method in trying to improve the quality of education for LEP students. That is what the whole argument is about. And I say that, no, we have not done very well, so let us give local and State people a little more flexibility to see if they cannot design programs that will do something about reducing that dropout rate rather than increasing that dropout rate.

Then we get into the parent notification business. It is unbelievable to me that anyone could question whether the reason for identifying a child as being in need of English language instruction is not the responsibility of the school to the parent, or whomever put them in that particular program. Does the parent not have the right to know why their child was identified and placed in that program? Does the parent not have the right to know the child's level of English proficiency, how they assessed it, how they determined that? Do they not have the right to know the status of their child's academic achievement? Do they not have the right to know how the program will assist their child to learn English and meet appropriate standards for grade promotion and graduation?

That is what we say in this legislation; that, yes, a parent does have that right. The parent should have that right. Any other parent of a child who is not LEP certainly would want that right and certainly has that right. And so we say the parent has to be notified. The parent has to be told all of these things. The parent then makes a choice whether they believe this is the best program for their child. And if they do not believe their child is doing well in the program, and there are other programs available, they have the choice of saying, I want my child to try a different program.

So, again, let us get beyond this business of somehow or other we, in this language, are telling people exactly what they have to do as far as bilingual education is concerned. The opposite is true. Let us get beyond the idea that somehow or other this legislation will eliminate bilingual education. As a matter of fact, it will do the opposite. It will give locals an opportunity to say that, well, perhaps we have a better approach for these three children than what they say from the Federal level, and a different approach for these ten children rather than there is only one approach: Transitional bilingual education.

So I would hope that this debate will continue only upon the merit of how do we provide quality education for all children and admit that we have not done very well in many programs in the past. And that we are here in a bipartisan fashion to make sure that every child has an opportunity for a quality education.

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

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

Mr. Chairman, I oppose this bill because it attempts to destroy local bilingual education programs and it jeopardizes the civil rights of limited English proficient students.

This bill voids voluntary compliance agreements entered into by the Department of Education and local school districts that are out of compliance with title VI of the Civil Rights Act. This provision is an unprecedented and shameful effort to gut the enforcement of the Civil Rights Act of 1964 as it applies to students with limited English proficiency. The majority has never provided any justification for this assault on civil rights.

This bill also repeals the current requirement that LEP students meet strong academic and performance standards. While mastery of academic English is essential to future employment success, so is the mastery of math and science and the other disciplines, and this bill has no accountability or requirement to LEP students to meet challenging standards in the core curriculum. We should never allow bilingual education students to become second class citizens and second class students.

The bill also sets artificial and arbitrary time limits for completing bilingual education that would prevent teachers from doing what is best for that student. These time limits do not recognize that some children learn faster than others. I find it kind of strange that the majority would want those of us inside the beltway to dictate the duration of a school's bilingual education program rather than letting the local schools and teachers and parents decide.

This legislation, Mr. Chairman, also repeals the Emergency Immigrant Education program, which provides assistance to those localities which have large numbers of recently arrived immigrants. This program is essential in cities such as Miami and Los Angeles, New York and others. So I urge my colleagues to vote against this anti-education measure.

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

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume, and before yielding to the subcommittee chairman, who was the workhorse on the legislation, I do want to point out, since it was mentioned, that the Equal Educational Opportunity and Nondiscrimination for Students with Limited Proficiency, Federal enforcement of title VI, and Lau versus Nichols, they stated in a report in 1997, "The bilingual Education Act has placed restrictions on the types of programs that could be funded under the Act, and these restrictions have, in turn, limited school districts' options."

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. RIGGS), the subcommittee chairman.

Mr. RIGGS. Mr. Chairman, I thank the chairman of the full committee for

his support of this legislation and his very active role in helping to bring it to the floor in a very timely manner. I think it is very important, for reasons that we will discuss during the course of debate today, that this legislation be considered by this Congress, not deferred sometime into the future.

I say that, in part, because of, but only in part, because of the strong mandate for reform of bilingual education in my home State of California. As I think most people know, voters there in the June primary election, California has its primary election in June, passed a ballot initiative, a popular referendum, called Proposition 227 by a 61–39 margin.

In fact, most of the, I guess what we would call trending polls leading up to the election indicated that a majority, or slightly less, of Hispanic American surname parents in California, Hispanic American voters in California, supported Proposition 227. And the exit polls showed that, I believe, somewhere in the neighborhood of 40 percent of Hispanic American voters had supported Proposition 227. However, as I will point out as we get into the debate, our legislation coming out of the committee is much more reasonable, much more moderate and flexible than the voter approved mandate of Proposition 227 in California.

I just want to parenthetically make a quick point, which I think the chairman made earlier, that we should not limit this debate or focus this debate solely on Spanish language or traditional English-Spanish bilingual education. Because, in fact, if we are going to meet the needs of immigrant American children, bilingual education, by definition, has to encompass many, many more languages than just Spanish.

In fact, going back to California for just a moment, sitting there on the Pacific Rim, with California businesses and industries doing more and more business in the Orient, one could argue that as a second language it is probably as important, if not more important, that our children learn an Asian language, or Asian dialect, as it might be for them to learn Spanish. But that, again, is not really what this debate is about.

This debate, in my mind, while as the chairman says deals with a relatively small or limited amount of money, has larger overtones in part because of the tremendous dropout rate of nonEnglish speaking or limited English speaking students in our schools. In 1996, 55.2 percent of Hispanic students graduated from high school, and that was up just slightly from the 54.4 percent graduation rate in 1988. Considering that almost three-fourths of limited English or nonEnglish speaking students speak Spanish, our committee has a real concern that those children are being failed by the status quo; by current programs. They are being left behind.

If we are concerned about discrimination, my colleagues, this is causing them to effectively be segregated from their peers and, all too often, segregated from the rest of society, when our goal should be to hasten, to expedite their assimilation into the American society so that they can realize all of their God given potential as human beings and the opportunity to achieve the American dream.

So if we think that a dropout rate in the 50th percentile, 54, 55 percent for Hispanic American students, is acceptable, then by all means oppose this effort at reform, and any other effort at reform in this Congress or in the future.

□ 1445

Now, we talked a little bit about process. We have had an extensive debate in the last Congress on English as the official language. But this bill has nothing to do with English as the official language. It just again is focused on bilingual education.

We had hearings, a field hearing in San Diego, a committee hearing here in Washington, on the legislation. We had a very extensive debate during consideration of this bill in the full committee. We have aired out these issues. We have had ample opportunity to discuss them.

And in terms of process, let me assure my colleagues, particularly my friend the gentleman from California (Mr. BECERRA), that I made every effort to reach across the center aisle, the partisan aisle, to the gentleman from California (Mr. MARTINEZ), my very good friend and the ranking member of the subcommittee. And we have, wherever possible, worked together in a mutually cooperative, professional and, I think, bipartisan fashion.

We just had to, on this particular issue, agree early on to disagree. It was apparent to both of us I think that despite our best efforts, we were not going to be able to collaborate on this particular bill. That should not signal to my colleagues, and I think the gentleman from California (Mr. MARTINEZ) would attest to this, that should not signal to my colleagues that we did not have a debate or that I approached this issue with a closed mind. I am still open at this date to positive and constructive suggestions, and I will listen very carefully to the arguments that are made on behalf of the Democratic amendments during consideration of this bill today.

But I keep coming back to the concerns and the rights of parents. I think back to a gentleman by the name of George Louie who testified before our subcommittee at the field hearing in San Diego about his experiences with his son Travell, who was born and raised in the United States yet placed in a Chinese, actually a Cantonese, bilingual education program in his Oakland, California, school, which is under a court order consent decree.

Mr. Louie was horrified to find that his son had been placed in that class and made repeated attempts to try to get the permission and the cooperation of school authorities in transferring his son out of that class to another class.

He testified that he made over 75 contacts with the school district but was told, because of the court ordered consent decree, that his son, a native American, English-proficient, English-fluent son, could not be transferred into another classroom.

Now, what do we say to Mr. Louie under those circumstances? Would we not stand with Mr. Louie and say, we support your right to make sure that your child gets a good education? And the way that we can safeguard against the same thing happening to any other American child as happened to your son is to require local school districts driving that control, driving that decision-making right down to the local levels closest to the parents in that community, who are, after all, the consumers of public education, and make sure that parents have the right to decide whether their child will be placed in a native language, that is to say a non-English-speaking classroom, particularly again a young man such as Travell Louie, who is English speaking.

So what we have done here in this legislation is a couple of things. One is, we are saying to local school districts they can select the method of bilingual instruction that they deem most appropriate for their children in their community.

And let me tell my colleagues, show me in the legislation where we have inserted any language that would prevent that local school district if they so chose, if a majority of the governing board, the duly elected school board members from that community, if they chose to offer bilingual education through native language immersion, show me a provision in the bill that would prevent a local school district and local school board from doing that; and they will not be able to.

But I will acknowledge that the converse of that is true, that that local school district could decide, particularly in California, under the mandate of Prop 227, to offer bilingual education instruction in an English immersion program. But the flip side is true and any combination thereof.

What we are trying to do is take out the mandate in current law that again requires that 75 percent of Federal taxpayer funding go for traditional, transitional, bilingual education instruction, a mandate that a majority of the instruction time actually be in the native language.

We want more flexibility, and that again is in keeping with the longstanding American tradition of decentralized decision-making, local control

in public education. And we are trying to improve on current law by requiring that local school and that local school district to go one step further and obtain, not just notify the parent that their child will be placed in a bilingual education class, a native language instruction class, but to actually get the formal, written permission or consent of the parent before the child can be placed in the class. That seems to me to be a very reasonable reform to address in part the concerns of parents like Mr. Louie.

Mr. Chairman, I will finish my remarks and then I will defer to the chairman and floor manager.

So, as the gentleman from Ohio (Mr. TRAFICANT) and others pointed out, English is the language of this Nation and the mastery of the English language is the key to success. It is the key to success in school, and it is the key to success later on in life.

We are consigning whole generations of young people to failure by passing them through 12 years, or in the case of kindergarten, 13 years of public education without giving them the proper understanding and the proper foundation in English, the official common and commercial language of our country.

With this bill, I would hope we would send a message to school districts across the country that this practice of consigning kids to an inadequate public education that fails to prepare them for later in life and professional success in adult life, that all that stops with this legislation.

Now, some of the critics of this legislation have already and will in the next few hours, as we debate this bill, claim that this legislation is discriminatory. But I can think of nothing that discriminates against people who come to America with dreams of success more than making them permanent outsiders in American society, in American life, leaving them on the outside looking in at the American dream. That is what graduating the children of immigrants from public schools without a good, fundamental grasp of English guarantees.

Depriving immigrant children of the best, quickest method of learning to speak, write, read and genuinely understand English is discrimination at its worst. I hope my colleagues will just contemplate that when we get into the debate here.

Now, the chairman and the gentleman from Florida (Mr. GOSS) mentioned the whole debate on school lunch in the first session of the last Congress, the 104th Congress. And we all remember the more recent debate regarding reform of the Federal Welfare Act.

My colleagues will remember, certainly many of our constituents listening and watching this debate will remember that when we insisted on reforming America's failing welfare system, our political opponents and many of our media critics predicted that the sky would fall, the world would end, and we would be throwing millions of people out into the streets to be destitute.

Well, today one million former welfare recipients have made that transition from welfare to work, they are working at jobs, they are achieving financial independence and the self-respect and self-esteem that comes with financial independence. The taxpayers have saved $5 billion, which States and local communities are now using to meet other very legitimate human and social needs in those communities. And we have successfully reformed a Federal program that trapped millions of poor people in a cycle of poverty and failure. We took bold action and we have seen a sweeping turnaround, and that has been attested to by many, many articles in the mainstream media.

This is what we are going to do for bilingual education. This is what we should do for public education in general. And the critics are again saying, and we will hear one after another stand down here in this well or take the microphone on the other side of the aisle, and they will say that the sky will fall. But millions of students destined for failure in federally funded bilingual education programs will have a real chance to speak and master English under this bill.

So I strongly support the legislation. I urge my colleagues to take a bold stand, support this vitally needed legislation. Because I truly believe, as I have said all along, that reform of Federal bilingual education programs is overdue and inevitable.

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

Mr. RIGGS. Mr. Chairman, I am going to, as I said earlier, defer to the chairman of the full committee, who manages the time, to yield.

Mr. CLAY. Mr. Chairman, it is apparent that Chicken Little would have yielded. I yield 4 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I rise in strong opposition to this bill. It is called the English Language Fluency Act. More appropriately, it should be called the anti-children civil rights bill.

This bill, in my estimation, would dismantle the civil rights protection that is now afforded to the language-minority children all over this country. The Supreme Court decision in Lau v. Nichols established that limited-English-proficient children have the constitutional right to meaningful access to education.

In enforcing this mandate, the Department of Education's Office of Civil Rights has worked with school districts to fashion voluntary compliance agreements to provide limited-English-proficient students with access to high, high-quality education.

This bill would unilaterally void all 276 current voluntary, voluntary compliance agreements with no consideration given to the protection of the civil rights of those children covered by them.

Tragically, the justification for this action has been based on ill-conceived notions based on biased and mythical information. In addition, this legislation would alter the nature of the Federal bilingual education program to one solely focused on English language acquisition, not on the fact that children need to learn more than just English.

That is why current law provides assistance to local school districts to help them teach English to LEP students, but it also fosters efforts to educate these children to high standards in other subjects in a language that they can understand. In other words, the object is not just to help children learn English, but to help them learn in English.

Mr. Chairman, in undermining the essential purpose of the current bilingual education program, this bill flies in the face of the Lau decision, which mandates that children be guaranteed access to complete education, not one that teaches them English at the expense of learning math, science, history, or the rest of the basics.

This bill would also prohibit States from administering assessments of educational achievement in LEP students in languages other than English. The only evaluations called for under this bill are those that would assess a child's acquisition of the English language, thus severing all ties in current law that work to ensure that LEP students are educated with the same high standards as their classmates. This is just plain wrong.

The legislation further constrains the educational quality afforded to language minority students by mandating that local programs be designed to push LEP students into the mainstream classrooms in 2 years. And if my colleagues would care, I would read the law to them that where the first two measure of standards are 2 years and the third year is only given in consideration that it is obvious to someone that they have not learned well enough.

And the crux of that is that this is under the penalty of termination of Federal assistance. And I want to know, what happens to the slower students? Do they just fall by the wayside?

Mr. Chairman, this bill also undermines the quality of education provided to LEP students by changing the entire structure of the bilingual education program from a competitive

grant which awards funds directly to school districts based on the quality of local programs to a formula grant which sends funds to all States regardless of need or merit of their service.

Considering that there are limited Federal education dollars available and that there have been calls to ensure that we fund initiatives that work, I question the elimination of all targeting of Federal bilingual education spending.

This legislation even repeals the Emergency Immigration Education Act, which provides support to States with the greatest influx of immigrants to help them provide education to newly arrived immigrant children. It is amazing that this program would be completely eliminated, given the fact that appropriators have demonstrated their strong support by providing substantial increases. In fact, funding has tripled in recent years.

□ 1500

In addition, Members should be aware that presently nearly all states receive some allotment of immigration education funding. Under this bill, only a handful of states would receive those dollars.

Let me just set one thing clear in closing. Sixty-one percent voted for this bill, but 63 percent of the Latinos voted against it. As far as I am concerned, the debate is not about 583 grants, it is about 900,000 children being served with this Federal bilingual education dollar.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume to merely point out that testimony would indicate that the word "coerced" would be a much better word to use than "voluntary," since the heavy hand and arm of the Office of Civil Rights coerced many of those agreements, rather than voluntarily orchestrated them.

Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska (Mr. BARRETT).

Mr. BARRETT of Nebraska. Mr. Chairman, do opponents of the English language instruction want a Nation divided by our inability to speak a common language? I think not. I know not. But as the gentleman from Pennsylvania (Chairman GOODLING) has already stated, followed by the chairman of the subcommittee, the gentleman from California (Mr. RIGGS), this bill simply lets communities and parents decide what form of English language instruction is best for the community and best for the child; not some Federal mandate that may not fit their needs.

Let us take a quick look at my hometown as an example. During the farm crisis in the mid-eighties, our major employer closed down because of the farm economy. A few years later another major employer, a meat packing company, came in and brought in thousands of new workers, many of whom were immigrants from dozens of different countries.

Almost overnight our school system became overloaded, both in terms of numbers of students, but also in terms of new challenges, particularly English language instruction. There is no possible way my small town can hire scores of bilingual teachers to teach a variety of subjects. We have to use English language immersion.

I have been told of the success they have had in teaching parents and students in English, but under the Bilingual Education Act, their hands are tied. They cannot use an instruction method they know works, as much as they might like to use such a method.

We have been told that sometimes English language immersion may not help in all cases. Guess what? This bill lets my hometown and your hometown up for air, to have the liberty to provide that extra help, without being hamstrung by inflexible Federal mandates.

Mr. Chairman, the English Language Fluency Act is about helping children enjoy the American dream, and not relegating them to becoming second class citizens. The bill is about letting communities whose front line experience with immigrants make them the experts in knowing what does or does not work and helping children acquire English fluency. I encourage my colleagues to support H.R. 3892.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I rise in strong opposition to this anti-English education bill, and I urge my colleagues to defeat this misguided piece of legislation.

As most know, prior to my election to this body two years ago I served for eight years as the elected state superintendent of the schools of North Carolina. North Carolina has experienced tremendous growth in our Spanish-speaking population, and our professional educators, in my opinion, have done an outstanding job in providing these students with special attention to their educational needs, and this includes other students who have deficiencies in English.

This bill would destroy that progress and replace it with a one-size-fits-all Washington-knows-best approach. Do not forget that. You cannot impose an arbitrary time limit and expect children to learn. Anyone who knows anything about education knows children learn at different speeds, and it just does not work that way if you want to set an arbitrary limit.

This Congress should leave that decision to the professionals, the teachers. H.R. 3892 would jeopardize the progress that we have made and many other students have made with educational help by violating the agreement between the Department of Education and local school districts in their instruction of English.

When I first was elected superintendent of North Carolina in 1988, we had 3,000 students not proficient in English in our state. Last year that number was 25,000, and growth has been close to 30 percent in the last five years.

My state's English-as-a-second-language classes are taught in English. Students do not spend their entire day in these classes, but these classes provide them with the specialized attention they need to overcome the barriers to their learning, and they cannot do it in just two years and be cut off. Can North Carolina improve its education of limited English proficient students? Of course they can, and so can other states. But this bill does nothing to improve English education, and it deserves to be defeated. I urge a "no" vote.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from California (Mr. BECERRA).

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

Mr. Chairman, let me try to clarify a couple of points. Some of the speakers on the other side of the aisle have said that this bill will not void current consent agreements, compliance agreements we have with about 288 different school districts, voluntarily agreed to. You may want to say they were coerced, but they still took a vote and voluntarily agreed to do this.

Section 7404 reads

> Any compliance agreement entered into between a state, locality or local education agency and the Department of Education is void.

"Is void." It does void our compliance agreements that try to help these districts make sure that we are educating all of our children properly.

It is a cookie cutter, one-size-fits-all, because it tells those local districts how they must do things. It is an effort to undermine the ability of children to learn English because it does not take the best practices that we have seen from all the research and say this is the way that you can do it, but you do it how you see fit.

In San Francisco and San Jose they just finished taking, along with every other school district in the State of California, a standardized test to find out where California's kids are. The kids in San Jose and San Francisco who were graduates of bilingual education programs in those districts, guess what, scored higher than native English speaking children; higher.

When Governor Pete Wilson, who is an adamant opponent of bilingual education, when his spokesman was asked how do you react to this, the reaction by Mr. Shawn Walsh was, "It is remarkable." While the Governor was

never totally against different types of programs to help kids transition, it was too late by then, because by then he had been behind and spent hundreds of thousands of dollars to help pass Proposition 227.

All we are saying here is if we are real serious about trying to reform whatever it is, in this case bilingual education, let us do it in a meaningful way. Let us not do it in a rush way, that does not give everyone an opportunity to really provide input. Let us do it the way we would reauthorize any legislation.

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

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

Mr. Chairman, I rise in strong opposition to H.R. 3892. The English Language Fluency Act is really a drastic misnomer. In the wake of Proposition 227 in California, this issue is vital to my district. In the Oakland Unified School District, for example, 18,000 students, or one-third of our students, are in Limited English Proficient Programs, a 61 percent increase over the past 10 years. Since school districts across the country are experiencing similar trends, we logically need to support increased resources for bilingual education.

This bill does just the opposite. Mandating all students to master the English language in just two years is a dangerous and restrictive policy. Although some exceptional children can survive in this sink or swim program, these artificial deadlines only set up the majority to fail. After two years in a foreign land, with a foreign language and culture, if we were required to pass a test to get a job, to enter an education class or access other necessary opportunities, we would not be able to pass. I do not believe most Members of Congress could learn Greek or Russian in two years.

By turning existing bilingual programs into block grants, this bill does not require states to distribute funds to the most needy students. Without this protection, the students most in need become even more vulnerable to fail. By eliminating the emergency immigrant education program, this bill leaves no support or assistance for new immigrants, those who are most likely to have limited English language skills and require extensive programs to learn English.

Finally, in order to promote effective English education programs, we obviously need to increase resources for new teachers and teacher training, not eliminate them. This bill cuts bilingual teacher training programs. For these reasons, I urge a no vote on H.R. 3892. It is a disastrous anti-education bill.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I thank the distinguished ranking member for yielding me time.

Mr. Chairman, we want our children to learn English. Immigrant communities know that without English proficiency, there is no upward mobility, no chance to succeed in our society. We want our students to be able to comprehend and learn the language thoroughly so they will not be left behind academically. But, at the same time, with increased international commerce and global competition, we need our students to master multiple languages so they can provide a cutting edge advantage for America in Asia, in Europe, in Latin America.

Those who have advocated for greater trade on this floor will agree with me that we not only need to be ahead in product and technology development, but also in our capacity to have a work force that has the ability to effectively communicate worldwide. Ask Chevrolet, when they tried to sell the Chevy Nova in Latin America. "Nova" means "does not move, won't go." I do not care what type of marketing program you have, language in that context made a big dent in Chevrolet's success.

This bill is not designed to empower or limit English proficient students to succeed. It does not provide more resources or more language teachers to deal with the growing number of today's students who require extra help to learn English. Rather, it in effect stunts our students' growth academically while they learn English as quickly as possible.

In today's global economy, the ability to be bilingual or multilingual is a precious commodity. Let us not destroy our country's bilingual education policy, one that is locally controlled and federally enforced, a policy that promotes civil rights and fights discrimination. Let us not undermine what is in our Nation's academic and economic interests. We should be voting against H.R. 3892.

Mr. CLAY. Mr. Chairman, I yield two minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I want to express my strong opposition to H.R. 3892, the so-called English Language Fluency Act. This bill attempts to destroy the Bilingual Education Act, a law that has benefitted countless members of limited English proficiency, students, since its enactment in 1969. This bill is an unwise and ill-timed effort to dismantle this program, and will have an adverse effect on the students it is supposed to assist.

As the Member of Congress who represents the largest population of bilingual speakers, I am acutely aware of the importance of bilingual education programs and the positive effect they have had on students with limited language proficiency. In Puerto Rico we have not benefitted from this program until this year. We have a very small amount for this year. But, yet the teaching of both languages in Puerto Rico is necessary.

I was born speaking Spanish. My first language was Spanish, and I am bilingual. My wife is bilingual. Our four children are bilingual. We taught them to speak both languages at an early age, and at an early age you can learn, within six months, a different language.

□ 1515

The older you get, the longer it takes to learn another language, and to try to impose an amount of time on anyone, it is unwise. It goes against everything that we know about the way to learn a language.

I think that discrimination for racial reasons, discrimination for ethnic reasons is intolerable. So is discrimination for cultural and language reasons, and this attacks and affects the Hispanic speakers in a personal way because to say that you cannot speak English and be an American citizen, you cannot speak Spanish and be an American citizen, together with English, and to be able to teach Spanish and also to be able to learn Spanish, and be proficient in Spanish, as well as English, that is important not only to the individual, not only important to his community but also to the Nation, because we live in a continent from Alaska to Tierra del Fuego. The two most important languages are English and Spanish. To say that we should only speak one language, it goes against all of the national interests, the community interests and the personal interests.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in opposition to this bill. I would point out that in Minnesota, I represent the St. Paul School District. Actually, I taught in Minneapolis many years ago. Today, the student population of those communities has changed. In St. Paul, I have nearly 9,000 students in St. Paul schools that are English-as-a-second-language recipients that need assistance that makes sense not political points for those who are so full of anti-immigrant slogans and panaceas. They are mostly Hmong, Southeast Asian students. In fact, 30 percent of the elementary classes in St. Paul are Southeast Asian students.

The fact is, what they are reporting to me is that these kids speaking in their first language and taking tests in their first language are 2 or 3 years ahead of where they would be taking tests in English. In other words, if the student is in the fourth grade, if you

only teach him in English he will be learning at the first or second grade level. That is what he is capable of or she is capable of in the English instruction requirement mandated by this bill. In other words, they need this, they need this type of experience of learning in their native language for a period of time.

This measure, H.R. 3892, is a punitive, arrogant, top-down, Washington-knows-best approach, which tries to force-feed a diet of English language to a new and diverse U.S. student population that is already immersed and struggling in our culture.

In a sink-or-swim situation, this proposal chooses to throw a limited-English-speaking student an anchor. Are we so insecure and fearful that we can no longer tolerate the language differences and cultural diversity that defines America?

Mr. Chairman, I think it was said best by my friend Jim Morelli, from St. Paul, when he said that I would hope that today we would extend the same kindness, the same consideration, the same thoughtfulness and help that was extended to our grandparents when they came from Italy in the early part of this century.

Are we so limited and unwilling to extend that type of help to people that are culturally, ethnically, religiously different than us who need it now more than ever in the 1990's? These are Southeast Asian students that I represent, the others that I taught in Minneapolis, and half the black population in Minneapolis schools are Africans, from Africa that indeed speak and read English as their second language.

Mr. Chairman, I would urge the defeat of this ill-considered bill.

Mr. Chairman, I rise today in opposition to the English Language Fluency Act, H.R. 3892. This legislation will hinder, not help, America's language-minority children learn both English as well as the myriad of topics that are taught in our schools today. Our nation is comprised of people from many diverse backgrounds. Providing opportunities for non-English speakers to learn the language is a prerequisite for ensuring that all citizens are able to fully participate in and become productive members of our society. While the current bilingual education efforts may not be the absolute perfect venue for accomplishing this goal, implementing H.R. 3892 would substantially undermine the program.

It makes good educational sense to teach a student in his or her native language while, at the same time, developing that student's English language capacity. There is no magical number of years for this transition; children come into the program with varied levels of proficiency. Setting an arbitrary limit to the amount of time a child may remain in a bilingual program is doing them a great disservice. While students are learning English, they should also be able to keep up with their peers in other subjects. In fact, students who spend a limited time in bilingual programs tend not to be as successful in their subsequent school years, because pushing them to master the language in such a short amount of time comes at the expense of mastering other academic and analytical skills.

This is indeed an inflexible mandated methodology that is being foisted upon non-English speaking students—one size does not fit all children. Where is the evidence that bilingual education isn't effective, and the evidence that mandated English-only education is the best approach? In fact, studies raise important questions regarding the proposed method, questions which have gone unaddressed by the emotional arguments of the proponents of this legislation.

Additionally, the proposed funding of this legislation is flawed. Block granting money to states is a method which has proven ineffective in delivering and targeting help to America's neediest students. H.R.3892 also eliminates financial support for preparing teachers to instruct language-minority students. This plan is unacceptable in light of the shortage of qualified teachers we face. Essentially, this appears to be yet another scheme which will undermine public education and short change America's children, by dictating to local schools the manner in which they should deal with students who have special needs. Our schools need to be user friendly and welcoming places, where a diverse group of Americans from different cultures, incomes and backgrounds are not threatened. What has happened to our national policy where we help, not intimidate, those who come to learn under such rigid circumstances? H.R. 3892 promotes a sink or swim philosophy, and I fear we will surely drown many fragile young minority students with an English only curriculum.

The opportunity to gain an education is a fundamental right and a value which should be shared by all Americans. Clearly, it is important for all of our citizens to be able to communicate in a common language in order to promote unity and understanding within our society. Again I would point out that, H.R. 3892 is a punitive, arrogant, top down Washington-knows-best approach which tries to force feed a diet of English language to a new and diverse U.S. student population who are already immersed and struggling in our culture. In a sink or swim situation, this proposal chooses to throw minority English speaking students an anchor. Are we so insecure and fearful that we can no longer tolerate the language differences and cultural diversity which defines America? I don't think so. I oppose the English Language Fluency Act, which actually does little to help and hurts those with limited English proficiency to learn the language, and I urge my colleagues to do the same.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, contention between people who speak different languages is as old as the story of Babel. The ancient Greeks referred to those who spoke in other tongues as the babblers. Ancient Slavs called the Germans across their border the mute or unspeaking people.

Today, United States residents whose primary language is other than English, especially Spanish speakers, are being regarded as un-American. The English Language Fluency Act plans to un-Americanize people who so desperately want to be American. I am concerned that this bill would hinder those who by the bill's definition it should help.

The English Language Fluency Act has in it provisions that move language minority children out of specialized classes, cuts bilingual education funding to States with large immigrant populations and voids all voluntary compliance agreements made by State and local school districts to provide bilingual education.

This bill, as written, will reduce Federal funds used for teachers and learning materials while at the same time demand students to learn in an environment that does not promote or assist them in learning. In essence, this bill implies that America wants you to learn as long as you do not learn too much.

Mr. Chairman, I believe it is imperative that we make access to learning as easy as possible for people who must already overcome the language barrier. We will get the best results in education if we leave its management to people whose motives are to educate. I urge all Members to join me in opposing this bill because it will hinder, not help, the education of America's children.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, I rise in support of this bill and I do so representing the third most diverse city in the Nation, Albuquerque, New Mexico. It was a couple of years ago that there was an article in the newspaper that said, only New York and Los Angeles are more diverse than Albuquerque, New Mexico.

It is our culture, our rich and diverse culture, which makes New Mexico unique. Our art, our architecture, our cuisine, our literature, our dance, makes us what we are and, yes, our language, whether that be Tewa or English or Navajo or Spanish.

Something else I believe all of us can agree on is that all of our children must learn English in order to be given the tools to succeed in America and to achieve their dreams. That does not mean that we do not respect their culture, that they should not be proud of who they are and that they should not be multilingual, because let us face it, folks, being able to speak more than one language is a strength, not a weakness. So we should be talking about English plus and not English only.

This bill does not affect funding levels. There is a hold-harmless clause for all States, and I am very pleased to say that I am working with the Committee

on Appropriations to expand multilingual education funds for the elementary school level.

What this bill is about is local control. It is about taking power from Washington and giving it back to local school boards to decide what is the best way to educate our children. It is about parental choice and parental consent, that no child should be in a program that their parents do not approve of just because somebody else says it is best for them.

It is about making sure that there are no dead ends for our children who do not arrive at school able to speak English. There is no separate but equal, there are no side tracks, and there is no second class. That is what this bill is about, and that is why I am supporting it.

Mr. CLAY. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, it is amazing to me that a party that claims to be trying to win Hispanic votes attacks us time and time again. Worse yet, today they are attacking our children.

I hope that every Latino in this country hears this message loud and clear. We do not count with the Republicans, our children do not count, and our future does not count.

Why else would bilingual education come under attack year after year? Already, Republicans tried to slash $75 million for bilingual and immigrant education, 22 percent for fiscal year 1998 funding, and this is in a bill that provides disaster aid to flood victims. Today's move makes perfect sense for a party that plays politics with virtually every issue.

Well, I have news for my colleagues across the aisle. Your English Language Fluency Act will have the opposite effect. It will force children into illiteracy. It will ruin their futures. It will hold back their families, and it will hurt our country.

According to supporters of H.R. 3892, bilingual education does not work, it is a waste of money, and so on. The fact is, bilingual education does work. By teaching core classes like math and science in a child's native language, while effectively teaching English, we can make sure that children do not fall behind in basic skills. But Republicans will slash funding, eliminate training, weaken programs, and then say that the programs do not work.

Opponents of bilingual education are correct on one count: Without real support and commitment, children with limited English proficiency will not get the skills they need to succeed.

My colleagues, is this how a nation with over 3 million limited-English-proficient students, should treat those children? Just think of the message that we are sending these children. We are telling them that they are second-rate citizens. They do not even deserve to receive a decent education or the tools they need to have a bright future.

I urge all of my colleagues to stand up for our children and their future and vote no.

Mr. CLAY. Mr. Chairman, I have no further speakers, and I understand the gentleman only has a closing statement, so I yield back the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the chairman of the subcommittee, the gentleman from California (Mr. RIGGS).

Mr. RIGGS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I rise in support of my colleague's English Language Fluency Act, and I believe in this age of communications it is extremely important and vital that English be the dominant language here in the United States. We in Congress should support any bill, any bill, that supports accelerating students' acquisition of English.

Studies in California have shown that only about 5 percent of English learning students a year can be classified as English proficient, so this bilingual education program is not doing the job it should be doing. Mastering the English language is the best formula for personal and professional success in America.

The late Senator Hayakawa said:

> America is an open society, more open than any other in the world. People of every race, of every color, of every culture are welcomed here to create a new life for themselves and their families. And what do these people who enter into the American mainstream have in common? English. English, our shared, common language.

It is imperative that we help our immigrant students to learn their new language as quickly as possible. We must help them to enter the mainstream and not ostracize them and limit them.

So, Mr. Chairman, I rise in support of this bill.

Mr. RIGGS. Mr. Chairman, reclaiming my time, let me say as we close general debate on this bill that if one of my colleagues on the other side of the aisle can point to language in this bill that mandates a particular form of bilingual education, I will ask unanimous consent to withdraw the bill, because the bill does exactly the opposite.

The bill removes the existing mandate in Federal law that 75 percent of Federal taxpayer funding for bilingual education must be used for innovative language instruction. So I have to believe that given the insistence, when talking about a 2-year time limit, when the funding limitation is 3 years, talking about mandates, I at this point in the debate now have to believe that the opponents of this bill have to rely on demagoguery and mischaracterization of the bill because they cannot win the debate based on the merits of the particular legislation.

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

Mr. RIGGS. Mr. Chairman, not as I close debate. The gentleman will have time, and I am not going to yield, in part because the last time we got into this discussion, the ranking minority member saw fit to refer to me as Chicken Little, which is a reference I do not appreciate and which is inappropriate for someone with his years of service in the House.

Mr. BECERRA. Mr. Chairman, if the gentleman would yield.

Mr. RIGGS. Mr. Chairman, I will not yield. I request regular order.

The CHAIRMAN. The gentleman from California (Mr. RIGGS) has the time and may proceed.

Mr. CLAY. Mr. Chairman, the gentleman is saying I referred to him as Chicken Little, and I did not refer to him as Chicken Little.

Mr. RIGGS. I request regular order, Mr. Chairman.

The CHAIRMAN. The Chair would ask the gentleman from California to proceed.

Mr. RIGGS. I thank the Chair.

Mr. Chairman, earlier I talked about a study, and I quote from the August 26 Santa Rosa Press Democrat in my congressional district, a study which says that most young immigrants prefer to speak English over their native language. In fact, the survey which focused on recent immigrant families says that the older children get, the more eager they are to embrace English. The study was produced by Michigan State University's Children of Immigrant Longitudinal study, and it says that 88 percent of immigrant children questioned prefer speaking English. Six years ago, the percentage was 73 percent.

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I do not believe that the opponents of this legislation, who represent largely ethnic American constituencies, are really speaking for those constituencies. I really question whether they have at heart the best interests of those constituencies.

I want to, at the appropriate time, also include in the RECORD a commentary from the Wednesday, July 1, Wall Street Journal by one of our former colleagues, a man by the name of Herman Badillo, who says, "By the time I arrived in New York from Puerto Rico at age 11, I was brought up Democratic. And when I went into politics—as a U.S. Congressman, Bronx borough President, and deputy mayor—I did so as a Democrat. Last week, after more than 30 years in Democratic politics, I joined the Republican Party.

"In recent years I have found myself questioning inflexible Democratic policies. I have seen a disturbing lack of vision among local Democratic leaders. . .. Democratic leaders doggedly

fought to preserve failed, anachronistic policies.

"This inertia has been most evident in their approach to schools, where students not even fluent in English have been awarded degrees. And when I challenge the practice of social promotion in elementary and secondary schools and call for academic standards, prominent Democrats attack me.

"This defense of low standards reflects a fundamental Democratic problem. Many Democrats believe that some ethnic groups, such as Hispanics, should not be held to the same standards as others. This is a repellent and destructive concept, a self-fulfilling prophecy of failure. Fortunately, the ethnic groups hurt by these patronizing policies are beginning to understand that low standards mean low results, a realization that will move people in these groups to the GOP."

So do not be misled, colleagues. Members on the other side of the aisle speaking for, let us be honest about it, special interest groups and ethnic constituencies, purporting to represent all people with those viewpoints, are in fact expressing a monolithic viewpoint. There are other people such as our former colleague, Mr. Badillo, who agree with this legislation.

I urge passage of these amendments offered on this side of the aisle, and passage of the bill as amended.

Ms. HARMAN. Mr. Chairman, parents across America are rightly concerned about the continued viability of our system of public elementary and secondary education. Public schools are great equalizers, the entities we've created to help socialize all children and give them the skills necessary to take advantage of the social and economic opportunities our country affords them.

When schools fail to do their job, it's our children who suffer. To fix them we certainly need more resources, particularly textbooks, for children and teachers. But we also need standards and merit pay for teachers, the end of social promotion, the setting of goals for children, and most importantly, holding parents, teachers and administrators accountable for the performance of our school system. And until we begin looking seriously at these and other reforms, proposals like vouchers will continue to look attractive though, in my view, they are panaceas, if not anathema to public education itself.

While each of us who have had children in public schools can measure success in our children's development, one category of children who have been particularly hurt are those for whom English is not a primary language—children from non-English speaking families or who otherwise have limited English proficiency.

As I traveled across the State of California earlier this year, many parents told me of their dissatisfaction with California's bilingual education system. Indeed, the debate and vote for our state's Proposition 227, which required school districts to use immersion as the means of teaching English, demonstrated that many non-English speaking parents wanted change.

But, Mr. Chairman, I did not support Proposition 227 because it represented a "one-size-fits-all" approach to a complex problem—and as such it took away control over the education of our kids from our local school districts, where it belongs.

Similarly, I must oppose the English Language Fluency Act. While I believe this legislation is well intentioned, it will have the same unfortunate result across the country as Proposition 227 did in California: it will restrict the flexibility of our local districts to impart the best education possible on all our kids—the education that will prepare them to perform and succeed in our economy. Mainstreaming kids is the right goal, but the means should be left to the level of government with primary responsibility for education: local government.

Mr. Chairman, I oppose this legislation and urge my colleagues to do the same.

Mr. FARR of California. Mr. Chairman, I rise today on behalf of Lisa Gonzales. I met Lisa when I visited Branciforte Junior High School in Santa Cruz, California earlier this week.

Lisa told me that kids are dropping out, that they're losing hope. The students who are most at risk are the ones who need special help learning English. I want our schools to be able to help them.

Our children are our Nation's best hope for the future. They all bring special needs to our classrooms, and that includes language training for those who don't speak, read or write English. We are morally and constitutionally obligated to use the best methods possible to teach them the language of their new country. Parents, teachers and administrators all over the country know that our children need bilingual education in our schools.

This bill doesn't fix bilingual education. Its goal is divisiveness and rhetoric. We need to focus on student performance, not political controversy.

These programs keep hope alive for the children who need it most. Reject this legislation.

Mr. OWENS. Mr. Chairman, I rise in strong opposition to the so-called "English Language Fluency Act" (H.R. 3892). I find it deplorable that the Republican Majority has yet again mobilized their attack on the Department of Education, legal immigrants, and multiculturalism in general. However, what disturbs me about this particular piece of legislation is that it would ultimately harm our nation's most vulnerable, the children. They have been snared in a tangled web of political opportunism and grandstanding. H.R. 3892 takes a "sledgehammer" approach to reforming bilingual education without retaining the essence of this vital educational program. This bill loses sight of the purpose of bilingual education which is to help students master not only language skills but a plethora of subjects ranging from history to math.

This legislation is part of a larger misguided plot to strip America of her cultural richness. It is my sincere belief that this bill represents an attempt by extremists in the Republican party to revive the "English Only" debate. Proponents of this backwards movement wish to destroy and handicap the very thing that makes America wonderful, her diversity. I do not dispute that the mastery of the English language is an important component of attaining success in America. However, I can testify to that fact that most non-English speaking immigrants desperately want to learn English. As a matter of fact, the non-English speaking constituents of my district work tirelessly by day and night in schools and community centers trying to learn English.

And to the merits of this bill, I am sad to report that I have found few. All through the Committee process Republicans continued their pitiful legacy of stacking hearings with witnesses that I found to be misinformed. They either produced reports that had been statistically manipulated or reports that had been politically manipulated. H.R. 3892 would scale back limited-English-proficient (LEP) student's access to education services. Moreover, the two year predetermined time frame mandated by this bill is unreasonably short and would effectively kill proven bilingual programs. The bill will also overturn existing compliance agreements between the Office of Civil Rights of the Department of Education and local school districts that had not been providing LEP students with equal educational opportunities. The result may be massive civil rights violations. And this sad list goes on and on.

This preoccupation of the Republican Party with the destruction of bilingualism is also harmful to this nation's economic interests. In our present global economy diversity and the capacity to speak more than one language is a clear asset. Instead of harassing bilingual education programs we should be increasing their funding.

Mr. Chairman, let us turn back the clock to a time when immigrants were openly discouraged from embracing their heritage. Let us not turn our backs on America's children. We must not rob any of our youth of the opportunity to receive a decent education regardless of their diverse background. A "no" vote on H.R. 3892 is an affirmation of the right of every child in America to an equal and comprehensive education.

Mr. TOWNS. Mr. Chairman, I rise today in opposition to H.R. 3892, "The English Language Fluency Act". This legislation "block grants" Federal bilingual education programs and eliminates numerous protections contained in current law. I view this bill as a significant setback on bilingual education. Several educational agencies and organizations also believe this bill would harm current Federally-funded bilingual education programs. For example, the Council of the Great City Schools, the New York Board of Regents, and the New York State Board of Education all oppose this measure.

Let's examine just what kind of negative impact this legislation would really have on bilingual education programs. H.R. 3892 removes existing enforcement and compliance standards. For example, current bilingual education agreements between the Education Department's Civil Rights office and local school districts would be eliminated. The bill also would limit the ability of these agencies to negotiate future agreements. Additionally, the bill eliminates Civil Rights Act protections that ensure that students who are learning English continue to achieve high academic standards. In

fact, it would force students to leave transitional education programs after two years, regardless of their proficiency in English. Moreover, the bill's total lack of attention to core subject matter, with all emphasis on English development only, is not sound education practice.

In the case of New York State, the bill would reduce overall funding as well as funding for planning, administration, and interagency cooperation within the State due to a change in the allocation formula. At the same time, New York State would be required to taken on added responsibility for the management of the funds with sufficient monies to do so.

Perhaps most significantly, this legislation overrides the tradition of local control on public education matters. Local school districts and states with a large percentage of students who are learning to speak English should be able to make their own decisions on how best to educate their students. H.R. 3892 is a "one-size-fits-all" approach to a complicated problem that requires autonomy and flexibility for local jurisdictions.

Finally, we should not lose sight of the fact that this bill repeals the Emergency Immigrant Education program and undermines Title VII funds, from the Elementary and Secondary Education Act, that have already been awarded to local school districts. This legislation is will hinder the advances made in bilingual education and I would urge my colleagues to oppose H.R. 3892.

Mr. DOOLITTLE. Mr. Chairman, we must end federal support for disastrous bilingual education programs. Federal complicity in stifling English learning in the name of politically correct multiculturalism is just one more example of elitist bureaucrats thinking they know what's best for local schools and parents. Bilingual education has been a grave injustice to people who immigrate to America and to their children.

The vast majority of immigrants who chose to leave their ancestral homelands did so in hopes of providing a better future for their children. Absolutely essential to realizing their dreams of success in America is for their children to learn, and master, the English language. Otherwise, they will be doomed to menial, unrewarding, and low-paying jobs for life. Additionally, they will be unable to fully enjoy mainstream American culture, including interaction with people of other ethnic groups through our common language—English.

These multiculturalists who would keep immigrant children in a linguistic ghetto are preventing them from enjoying the ethnic diversity the multiculturalists pretend to value so highly. A child who speaks only Spanish and a child who speaks only Vietnamese cannot communicate and learn about each other.

It is unrealistic to assume immigrant children can succeed in America if they only know the language of their parents. And, as people get older their ability to learn another language declines. Therefore, the highest priority for educating non-English speaking children must be to learn English. Of course, I don't feel it's up to the U.S. Congress to set priorities in what is properly a decision of local schools and parents, but the federal government most certainly shouldn't be encouraging counterproductive measures.

Advocacy of bilingual education on the part of the teachers unions unfortunately fits the historical pattern of labor union disregard for the well-being of immigrants in the financial interest of the union's members and leadership. Just as unions in the past worked to restrict immigrants from the labor pool in order to artifically maintain their own wages, the teachers unions want to protect the salary bonuses given to bilingual-certified teachers. Never mind how effective bilingual education programs actually are in teaching these children English, say the teachers union bosses, we want to maintain the salaries they provide the instructors.

Enough with the corrupt labor unions and centralized bureaucratic power and feel-good multiculturalism that threatens to balkanize this country. Let's give power to parents and local schools and give opportunity to these immigrant children. Support the Riggs English Language Fluency Act.

Mr. ENGEL. Mr. Chairman, I rise today to state my strong opposition to H.R. 3892. I am a strong supporter of bilingual education, however, instead of bolstering federal efforts to help immigrant children, this bill penalizes them.

This bill also does not advance our national education policy. H.R. 3892 does not attempt to establish criteria for teachers and school districts, nor does it set realistic goals for our children. This bill instead restricts local school districts and jeopardizes successful bilingual education programs by cutting federal support for teacher training and virtually eliminating successful programs that currently help immigrant children.

In fact, this bill even lowers academic standards and expectations for immigrant children by focusing exclusively on English language proficiency rather than math, science and history. H.R. 3892 jeopardizes these children's futures by setting an arbitrary and unrealistic punitive two-year federal mandate on their ability to master English. This in effect becomes a two-year "impediment" to their educational future.

I urge my colleagues to vote against H.R. 3892 and join me in opposing this destructive and politically motivated bill.

Mr. PAYNE. Mr. Chairman, I rise in opposition to H.R. 3892, "The English Language Fluency Act." While the supporters of this bill have argued that it will improve bilingual education for our Nation's children, all the evidence points in a different direction. In fact, this bill will make a number of changes to bilingual education that will harm children who need assistance the most. Language in the bill will require that all children have only two years of bilingual education regardless of their ability to master English. The bill will also violate the Civil Rights Act by voiding the current voluntary compliance agreements between schools, parents and the Department of Education, Office of Civil Rights. Finally, this bill will block grant bilingual competitive grants to the States therefore eliminating the structure this program currently has. In Newark, NJ, a city I represent here in Congress, close to 40 percent of all students come from homes where English is not the primary language spoken. In the city of Elizabeth, portions of which I also represent, the immigrant population is thriving and the schools need a structured bilingual education program to keep students in school. I recognize that many bilingual programs need improvement. However, there are many effective bilingual programs in place across the country that really do improve the language skills of children who are not yet English proficient. A new program at the Benjamin Franklin School in my district was just awarded funds from the Department of Education. This program called "Project Two-Way" will engage both English proficient students and limited English proficient (LEP) students in classes that will be taught in Spanish and English enabling both types of students to be bilingual by the time they are in the fourth grade. The need is to not pare down these programs but instead take the ones that work and educate school districts on how to replicate them. However, like many other issues on the majority's education agenda, this bill is not a remedy to the real problems that children face. It is for that reason that I will vote against passage of this bill.

Mr. PAUL. Mr. Chairman, I appreciate the opportunity to express my opposition to H.R. 3892, the English Language Fluency Act. Although I supported the bill when it was marked-up before the Education and Workforce Committee, after having an opportunity to study the Congressional Budget Office (CBO)'s scoring of H.R. 3892, I realized that I must oppose this bill because it increases expenditures for bilingual education. Thus, this bill actually increases the Federal Government's role in education.

I originally supported this bill primarily because of the provisions voiding compliance agreements between the Department of Education and local school districts. Contrary to what the name implies, compliance agreements are the means by which the Federal Government has forced 288 schools to adapt the model of bilingual education favored by the Federal bureaucrats in complete disregard of the wishes of the people in those communities.

The English Language Fluency Act also improves current law by changing the formula by which schools receive Federal bilingual funds from a competitive to a formula grant. Competitive grants are a fancy term for forcing States and localities to conform to Federal dictates before the Federal Government returns to them some of the moneys unjustly taken from the American people. Formula grants allow States and localities greater flexibility in designing their own education programs and thus are preferable to competitive grants.

Although H.R. 3892 takes some small steps forward toward restoring local control of education, it takes a giant step backward by extending bilingual education programs for three years beyond the current authorization and according to CBO this will increase Federal spending by $719 million! Mr. Chairman, it is time that Congress realized that increasing Federal funding is utterly incompatible with increasing local control. The primary reason State and local governments submit to Federal dictates in areas such as bilingual education is because the Federal Government bribes States with moneys illegitimately taken from the American people to confer to Federal dictates. Since he who pays the piper calls the

tune, any measures to take more moneys from the American people and give it to Federal educrats reduces parental control by enhancing the Federal stranglehold on education. Only by defunding the Federal bureaucracy can State, local and parental control be restored.

In order to restore parental control of education I have introduced the Family Education Freedom Act (H.R. 1816), which provides parents with a $3,000 per child tax credit to pay for elementary and secondary education expenses. This bill places parents back in charge and is thus the most effective education reform bill introduced in this Congress.

Mr. Chairman, despite having some commendable features, such as eliminating consent decrees, the English Language Fluency Act, H.R. 3892, is not worthy of support because it authorizes increasing the Federal Government's control over education dollars. I therefore call on my colleagues to reject this legislation and instead work for constitutional education reform by returning money and control over education to America's parents through legislation such as the Family Education Freedom Act.

Mr. THOMAS. Mr. Chairman, I rise to address an issue of paramount and long-term importance to California and the nation—Official English legislation.

Nothing unites a people as effectively as a common language; it is especially important when members of society, often immigrants, do not necessarily share a common heritage. The common ground which language provides has led many nations to declare an official language. The fact that America does not have an official language makes us unique among the world's leading nations. At the same time, the United States does have a common language, English. This dichotomy results in today's Americans being subjected to a barrage of language issues.

For California, bilingual education is immensely important. There are 1½ million California school children whose primary language is not English. These children need to be equipped with the absolutely essential skill of English fluency while they are at a young age and are more naturally able to learn language. It is important that the education program functions efficiently and successfully to fully integrate non-English speaking children into an English-speaking society as quickly as possible. Without this basic skill, these children will most likely remain outside mainstream society, politics, and the economy.

The bilingual education policy began in the 1970's with good intentions but has become a failure. Only 6.7% of limited English students going to school in California have been mainstreamed into English Only classrooms. California voters passed Proposition 227 last June by an overwhelming ⅔ of the vote. Proposition 227 replaces the current system that allows a slow phasing in of English into one where the curriculum supports a faster one-year English immersion program. Such a program is designed to teach children English as quickly as possible in order to help them open doors of opportunity and reach their full potential in an English speaking society.

Besides failing students, the bilingual education program is also costly. The California Department of Education reports that limited English proficiency programs received nearly $3 million in special funding, over and above the base funding amount of $5,000 per student in 1997. The same amount of public funds could have paid a year's tuition at UCLA for almost one thousand students!

With similar goals to fundamentally reform bilingual education programs on a federal level, H.R. 3892 is expected to be considered by the House this fall. This bill, known as the English Language Fluency Act, would give parents the authority to refuse enrollment or remove their child from a bilingual education program; give states, municipalities, and schools the power to create individualized English language instruction programs specific to community needs; and create accountability measures to ensure federal funding is given only to programs which are effective in teaching English to children. By these measures, H.R. 3892 hopes to reform a failing bilingual education program.

Bilingual Education has failed those it was intended to help. It has been costly to taxpayers, has hurt those children who want to be fully prepared to take part in America's economy, and has forced us to lower our standards in education. Official English legislation would provide a means to deal with these and other English issues. More importantly, establishing English as the official language of the United States sends a powerful message to all Americans and those wishing to become American citizens. Designating English as the nation's language makes it clear that proficiency in this common language is absolutely critical for those who wish to fully participate in America's unlimited economic and social opportunities. I believe this legislation may go a long way in helping us achieve these goals.

Mrs. McCARTHY of New York. Mr. Chairman, I don't think there is any doubt that we, as a nation, must make sure that all children learn English. English is our common language, and if we want young people to succeed, then they must be fluent in English.

Most people would agree that our federal bilingual education program can be improved. In fact, New York is working to improve its own program, as are many states. However, I am deeply concerned that H.R. 3892 will hurt many of the young people we want to help.

In particular, I believe that this legislation will place inflexible mandates on states and school districts. It will not allow children with limited English skills to excel in their other course work. And it will not guarantee that federal funds go to where they are most needed.

According to the New York State Board of Regents, this bill would directly contradict our state's laws on bilingual education. They say—and I quote:

> Enactment of H.R. 3892 would effectively remove limited-English proficient students from the overall reform effort underway nationwide and in New York State—where our reforms focus on improving education and achievement for all students.

In addition, this bill would severely limit funds needed to prepare bilingual teachers. As the sponsor of the America's Teacher Preparation Improvement Act, I do not believe we should reduce support for our students, including those with limited English skills. All young people deserve a qualified teacher.

Congress will have an excellent chance to reform the bilingual education programs when we re-authorize the ESEA next year. I am strongly committed to working with my colleagues on both sides of the aisle to draft a common-sense bilingual education bill that will ensure that no child is left behind.

We should not let that opportunity slip away, but we also should not rush through a bill this year that may end up denying many children the best education possible.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the English Language Fluency Act. In many ways this bill typifies what it means to be an American. Traditionally, our language unites us and defines our citizenship.

This bill would allow localities to decide how to teach English to their immigrants. It would stress the goal of transitioning within two years, and leave it up to the locality to decide which method is most effective.

Further, the school would lose federal funding for their bilingual education program after 3 years. This does not prevent localities from using their own funds to continue such a program—it just means that federal funds cannot be used.

English proficiency is essential to immigrant success.

English proficiency helps one's family, which in turn would help their neighborhood, which in turn would help their communmity.

English proficiency is good for the overall well-being of our society. For more than 100 years it was the core of America as the melting pot, the melting pot that was the uniting hope and ideal of our nation.

My support for this legislation stems from the experience of my family. My husband is the first member of his Dutch large family to be born in the United States. My grandparents emigrated from Italy.

Our families made the conscious decision to assimilate into American society as quickly as possible. Assimilation and being Americanized was the goal and the principle of being an American. They knew instinctively that English proficiency was absolutely essential to their success.

It is true that this is a nation of immigrants. But this is not a nation of nations. We are one country, not just an endless set of ethnic enclaves. We have one language that unites us and defines citizenship. And that language is English! This bill will underscore that goal.

Mr. BARR of Georgia. Mr. Chairman, I rise today in support H.R. 3892, the English Language Fluency Act.

Every child in the United States deserves a change to learn the English language so they may take advantage of the extraordinary opportunities this nation has to offer.

Our schools are now overwhelmed by the high number of immigrant enrollments.

The current Federal Bilingual Education Act is too restrictive and extremely ineffective.

The current law's lack of proper tracking and accountability has led to some perverse incentives.

Rather than developing programs that teach English effectively so that students are quickly able to move into mainstream classes, schools have an incentive to keep as many students in bilingual education for as long as possible, in order to receive extra funding.

H.R. 3892 is committed to the goal of English fluency.

H.R. 3892 is a responsible and sound piece of legislation which will correct the problems the current Federal Bilingual Education Act has caused.

Unfortunately, the federal government currently earmarks 75 percent of its bilingual education funding for programs that teach children in their native language. This simply perpetuates dependency and effectively guarantees many children will not learn English for a long period of time; and perhaps not at all.

It is time for legislation which will enhance and provide opportunity for success. This Congress must send funds back to our local school communities so they may choose a program that will suit their area best, for they are ones that know the best.

Instead of making it easier for people to avoid learning English, we should be empowering them economically and socially by forging a common language.

Mr. Chairman, I ask my colleagues to support the English Language Fluency Act.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 3 hours and thereafter as provided in section 2 of House Resolution 516.

The committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

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

H.R. 3892

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

SECTION 1. ENGLISH LANGUAGE EDUCATION.

Part A of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7401 et seq.) is amended to read as follows:

"PART A—ENGLISH LANGUAGE EDUCATION

"SEC. 7101. SHORT TITLE.

"This part may be cited as the 'English Language Fluency Act'.

"SEC. 7102. FINDINGS AND PURPOSES.

"(a) FINDINGS.—The Congress finds as follows:

"(1) English is the common language of the United States and every citizen and other person residing in the United States should have a command of the English language in order to develop to their full potential.

"(2) States and local school districts need assistance in developing the capacity to provide programs of instruction that offer and provide an equal educational opportunity to immigrant children and youth and children and youth who need special assistance because English is not their dominant language.

"(b) PURPOSES.—The purposes of this part are—

"(1) to help ensure that children and youth who are English language learners master English and develop high levels of academic attainment in English; and

"(2) to assist eligible local educational agencies that experience unexpectedly large increases in their student population due to immigration to help immigrant children and youth with their transition into society, including mastery of the English language.

"SEC. 7103. PARENTAL NOTIFICATION AND CONSENT TO PARTICIPATE.

"(a) IN GENERAL.—A parent or the parents of a child participating in an English language instruction program for English language learners assisted under this Act shall be informed of—

"(1) the reasons for the identification of the child as being in need of English language instruction;

"(2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement; and

"(3) how the English language instruction program will specifically help the child acquire English and meet age-appropriate standards for grade promotion and graduation.

"(b) PARENTAL CONSENT.—

"(1) IN GENERAL.—A parent or the parents of a child who is an English language learner and is identified for participation in an English language instruction program assisted under this Act—

"(A) shall sign a form consenting to their child's placement in such a program prior to such time as their child is enrolled in the program;

"(B) shall select among methods of instruction, if more than one method is offered in the program; and

"(C) shall have their child removed from the program upon their request.

"(2) EFFECT OF LAU DECISION.—A local educational agency shall not be relieved of any of its obligations under the holding in the Supreme Court case of Lau v. Nichols, 414 U.S. 563 (1974), because any parent chooses not to enroll their child in an English language instruction program using their native language in instruction.

"(c) RECEIPT OF INFORMATION.—A parent or the parents of a child identified for participation in an English language instruction program for English language learners assisted under this Act shall receive, in a manner and form understandable to the parent or parents, the information required by this section. At a minimum, the parent or parents shall receive—

"(1) timely information about English language instruction programs for English language learners assisted under this Act; and

"(2) if a parent of a participating child so desires, notice of opportunities for regular meetings for the purpose of formulating and responding to recommendations from such parents.

"(d) SPECIAL RULE.—An individual may not be admitted to, or excluded from, any federally assisted education program solely on the basis of a surname, language-minority status, or national origin.

"Subpart 1—Grants for English Language Acquisition

"CHAPTER 1—GENERAL PROVISIONS

"SEC. 7111. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this subpart, there are authorized to be appropriated such sums as may be necessary for fiscal year 1999 and each of the 4 succeeding fiscal years.

"(b) RESERVATION FOR ENTITIES SERVING NATIVE AMERICANS AND ALASKA NATIVES.—From the sums appropriated under subsection (a) for any fiscal year, the Secretary shall reserve not less than .5 percent to provide Federal financial assistance under this subpart to entities that are considered to be a local educational agency under section 7112(a).

"SEC. 7112. NATIVE AMERICAN AND ALASKA NATIVE CHILDREN IN SCHOOL.

"(a) ELIGIBLE ENTITIES.—For the purpose of carrying out programs under this subpart for individuals served by elementary, secondary, and postsecondary schools operated predominately for Native American or Alaska Native children and youth, the following shall be considered to be a local educational agency:

"(1) An Indian tribe.

"(2) A tribally sanctioned educational authority.

"(3) A Native Hawaiian or Native American Pacific Islander native language educational organization.

"(4) An elementary or secondary school that is operated or funded by the Bureau of Indian Affairs, or a consortium of such schools.

"(5) An elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs, in consortium with another such school or a tribal or community organization.

"(6) An elementary or secondary school operated by the Bureau of Indian Affairs and an institution of higher education, in consortium with an elementary or secondary school operated under a contract with or grant from the Bureau of Indian Affairs or a tribal or community organization.

"(b) SUBMISSION OF APPLICATIONS FOR ASSISTANCE.—Notwithstanding any other provision of this subpart, an entity that is considered to be a local educational agency under subsection (a), and that desires to submit an application for Federal financial assistance under this subpart, shall submit the application to the Secretary. In all other respects, such an entity shall be eligible for a grant under this subpart on the same basis as any other local educational agency.

"CHAPTER 2—GRANTS FOR ENGLISH LANGUAGE ACQUISITION

"SEC. 7121. FORMULA GRANTS TO STATES.

"(a) IN GENERAL.—In the case of each State that in accordance with section 7122 submits to the Secretary an application for a fiscal year, the Secretary shall make a grant for the year to the State for the purposes specified in subsection (b). The grant shall consist of the allotment determined for the State under section 7124.

"(b) PURPOSES OF GRANTS.—

"(1) REQUIRED EXPENDITURES.—The Secretary may make a grant under subsection (a) only if the State involved agrees that the State will expend at least 90 percent of the amount of the funds provided under the grant for the purpose of making subgrants to eligible entities to provide assistance to children and youth who are English language learners and immigrant children and youth in accordance with section 7123.

"(2) AUTHORIZED EXPENDITURES.—Subject to paragraph (3), a State that receives a grant under subsection (a) may expend not more than 10 percent of the amount of the funds provided under the grant for one or more of the following purposes:

"(A) Professional development and activities that assist personnel in meeting State and local certification requirements for English language instruction.

"(B) Planning, administration, and interagency coordination related to the subgrants referred to in paragraph (1).

"(C) Providing technical assistance and other forms of assistance to local educational agencies that—

"(i) educate children and youth who are English language learners and immigrant children and youth; and

"(ii) are not receiving a subgrant from a State under this chapter.

"(D) Providing bonuses to subgrantees whose performance has been exceptional in terms of the speed with which children and youth enrolled in the subgrantee's programs and activities attain English language proficiency.

"(3) LIMITATION ON ADMINISTRATIVE COSTS.—In carrying out paragraph (2), a State that receives a grant under subsection (a) may expend

not more than 2 percent of the amount of the funds provided under the grant for the purposes described in paragraph (2)(B).

"SEC. 7122. APPLICATIONS BY STATES.

"For purposes of section 7121, an application submitted by a State for a grant under such section for a fiscal year is in accordance with this section if the application—

"(1) describes the process that the State will use in making subgrants to eligible entities under this chapter;

"(2) contains an agreement that the State annually will submit to the Secretary a summary report, describing the State's use of the funds provided under the grant;

"(3) contains an agreement that the State will give special consideration to applications for a subgrant under section 7123 from eligible entities that describe a program that—

"(A)(i) enrolls a large percentage or large number of children and youth who are English language learners and immigrant children and youth; and

"(ii) addresses a need brought about through a significant increase, as compared to the previous 2 years, in the percentage or number of children and youth who are English language learners in a school or school district, including schools and school districts in areas with low concentrations of such children and youth; or

"(B) on the day preceding the date of the enactment of this section, was receiving funding under a grant—

"(i) awarded by the Secretary under subpart 1 or 3 of part A of the Bilingual Education Act (as such Act was in effect on such day); and

"(ii) that was not due to expire before a period of one year or more had elapsed;

"(4) contains an agreement that, in carrying out this chapter, the State will address the needs of school systems of all sizes and in all geographic areas, including rural and urban schools;

"(5) contains an agreement that the State will coordinate its programs and activities under this chapter with its other programs and activities under this Act and other Acts, as appropriate; and

"(6) contains an agreement that the State will monitor the progress of students enrolled in programs and activities receiving assistance under this chapter in attaining English proficiency and withdraw funding from such programs and activities in cases where—

"(A) students enrolling when they are in kindergarten are not mastering the English language by the end of the first grade; and

"(B) other students are not mastering the English language after 2 academic years of enrollment.

"SEC. 7123. SUBGRANTS TO ELIGIBLE ENTITIES.

"(a) PURPOSES OF SUBGRANTS.—A State may make a subgrant to an eligible entity from funds received by the State under this chapter only if the entity agrees to expend the funds for one of the following purposes:

"(1) Developing and implementing new English language instructional programs for children and youth who are English language learners, including programs of early childhood education and kindergarten through 12th grade education.

"(2) Carrying out locally designed projects to expand or enhance existing English language instruction programs for children and youth who are English language learners.

"(3) Assisting a local educational agency in providing enhanced instructional opportunities for immigrant children and youth.

"(b) AUTHORIZED SUBGRANTEE ACTIVITIES.—

"(1) IN GENERAL.—Subject to paragraph (2), a State may make a subgrant to an eligible entity from funds received by the State under this chapter in order that the eligible entity may achieve one of the purposes described in subsection (a) by undertaking one or more of the following activities to improve the understanding, and use, of the English language, based on a child's learning skills:

"(A) Developing and implementing comprehensive preschool or elementary or secondary school English language instructional programs that are coordinated with other relevant programs and services.

"(B) Providing training to classroom teachers, administrators, and other school or community-based organizational personnel to improve the instruction and assessment of children and youth who are English language learners, immigrant children and youth, or both.

"(C) Improving the program for children and youth who are English language learners, immigrant children and youth, or both.

"(D) Providing for the acquisition or development of education technology or instructional materials, access to and participation in electronic networks for materials, providing training and communications, and incorporation of such resources in curricula and programs, such as those funded under this subpart.

"(E) Such other activities, related to the purpose of the subgrant, as the State may approve.

"(2) MOVING CHILDREN OUT OF SPECIALIZED CLASSROOMS.—Any program or activity undertaken by an eligible entity using a subgrant from a State under this chapter shall be designed to assist students enrolled in the program or activity to move into a classroom where instruction is not tailored for English language learners or immigrant children and youth—

"(A) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

"(B) by the end of their second academic year of enrollment, in the case of other students.

"(3) MAXIMUM ENROLLMENT PERIOD.—An eligible entity may not use funds received from a State under this chapter to provide instruction or assistance to any individual who has been enrolled for a period exceeding 3 years in a program or activity undertaken by the eligible entity under this section.

"(c) SELECTION OF METHOD OF INSTRUCTION.—To receive a subgrant from a State under this chapter, an eligible entity shall select one or more methods or forms of English language instruction to be used in the programs and activities undertaken by the entity to assist English language learners and immigrant children and youth to achieve English fluency. Such selection shall be consistent with the State's law, including State constitutional law.

"(d) DURATION OF SUBGRANTS.—The duration of a subgrant made by a State under this section shall be determined by the State in its discretion.

"(e) APPLICATIONS BY ELIGIBLE ENTITIES.—

"(1) IN GENERAL.—To receive a subgrant from a State under this chapter, an eligible entity shall submit an application to the State at such time, in such form, and containing such information as the State may require.

"(2) REQUIRED DOCUMENTATION.—The application shall describe the programs and activities proposed to be developed, implemented, and administered under the subgrant and shall provide an assurance that the applicant will only employ teachers and other personnel for the proposed programs and activities who are proficient in English, including written and oral communication skills.

"(3) REQUIREMENTS FOR APPROVAL.—A State may approve an application submitted by an eligible entity for a subgrant under this chapter only if the State determines that—

"(A) the eligible entity will use qualified personnel who have appropriate training and professional credentials in teaching English to children and youth who are English language learners and immigrant children and youth;

"(B) in designing the programs and activities proposed in the application, the needs of children enrolled in private elementary and secondary schools have been taken into account through consultation with appropriate private school officials;

"(C) the eligible entity has provided for the participation of children enrolled in private elementary and secondary schools in the programs and activities proposed in the application on a basis comparable to that provided for children enrolled in public school;

"(D) the eligible entity has based its proposal on sound research and theory; and

"(E) the eligible entity has described in the application how students enrolled in the programs and activities proposed in the application will be taught English—

"(i) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

"(ii) by the end of their second academic year of enrollment, in the case of other students.

"(4) QUALITY.—In determining which applications to select for approval, a State shall consider the quality of each application.

"(f) EVALUATION.—

"(1) IN GENERAL.—Each eligible entity that receives a subgrant from a State under this chapter shall provide the State, at the conclusion of every second fiscal year during which the grant is received, with an evaluation, in a form prescribed by the State, of—

"(A) the programs and activities conducted by the entity with funds received under this chapter during the two immediately preceding fiscal years; and

"(B) the progress made by students in learning the English language.

"(2) USE OF EVALUATION.—An evaluation provided by an eligible entity under paragraph (1) shall be used by the entity and the State—

"(A) for improvement of programs and activities;

"(B) to determine the effectiveness of programs and activities in assisting children and youth who are English language learners to master the English language; and

"(C) in determining whether or not to continue funding for specific programs or projects.

"(3) EVALUATION COMPONENTS.—An evaluation provided by an eligible entity under paragraph (1) shall include—

"(A) an evaluation of whether students enrolling in a program or activity conducted by the entity with funds received under this chapter—

"(i) are mastering the English language—

"(I) by the end of the first grade, in the case of students enrolling when they are in kindergarten; or

"(II) by the end of their second academic year of enrollment, in the case of other students; and

"(ii) have achieved a working knowledge of the English language that is sufficient to permit them to perform, in English, regular classroom work; and

"(B) such other information as the State may require.

"SEC. 7124. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) IN GENERAL.—Except as provided in subsections (b) and (c), from the sum available for the purpose of making grants to States under this chapter for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such sum as the total number of children and youth who are English language learners and immigrant children and youth and who reside in the State bears to the total number of such children and youth residing in all States (excluding the Commonwealth

of Puerto Rico and the outlying areas) that, in accordance with section 7122, submit to the Secretary an application for the year.

"(b) PUERTO RICO.—From the sum available for the purpose of making grants to States under this chapter for any fiscal year, the Secretary shall allot to the Commonwealth of Puerto Rico an amount equal to 1.5 percent of the sums appropriated under section 7111(a).

"(c) OUTLYING AREAS.—

"(1) TOTAL AVAILABLE FOR ALLOTMENT.—From the sum available for the purpose of making grants to States under this chapter for any fiscal year, the Secretary shall allot to the outlying areas, in accordance with paragraph (2), a total amount equal to .5 percent of the sums appropriated under section 7111(a).

"(2) DETERMINATION OF INDIVIDUAL AREA AMOUNTS.—From the total amount determined under paragraph (1), the Secretary shall allot to each outlying area an amount which bears the same ratio to such amount as the total number of children and youth who are English language learners and immigrant children and youth and who reside in the outlying area bears to the total number of such children and youth residing in all outlying areas that, in accordance with section 7122, submit to the Secretary an application for the year.

"(d) USE OF STATE DATA FOR DETERMINATIONS.—For purposes of subsections (a) and (c), any determination of the number of children and youth who are English language learners and reside in a State shall be made using the most recent English language learner school enrollment data available to, and reported to the Secretary by, the State. For purposes of such subsections, any determination of the number of immigrant children and youth who reside in a State shall made using the most recent data available to, and reported to the Secretary by, the State.

"(e) NO REDUCTION PERMITTED BASED ON TEACHING METHOD.—The Secretary may not reduce a State's allotment based on the State's selection of the immersion method of instruction as its preferred method of teaching the English language to children and youth who are English language learners or immigrant children and youth.

"SEC. 7125. CONSTRUCTION.

"Nothing in this chapter shall be construed as requiring a State or a local educational agency to establish, continue, or eliminate a program of native language instruction.

"Subpart 2—Research and Dissemination

"SEC. 7141. AUTHORITY.

"The Secretary may conduct, through the Office of Educational Research and Improvement, research for the purpose of improving English language instruction for children and youth who are English language learners and immigrant children and youth. Activities under this section shall be limited to research to identify successful models for teaching children English and distribution of research results to States for dissemination to schools with populations of students who are English language learners. Research conducted under this section may not focus solely on any one method of instruction.".

SEC. 2. REPEAL OF EMERGENCY IMMIGRANT EDUCATION PROGRAM.

Part C of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7541 et seq.) is repealed.

SEC. 3. ADMINISTRATION.

Part D of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7571 et seq.) is redesignated as part C of such title and amended to read as follows:

"PART C—ADMINISTRATION

"SEC. 7301. REPORTING REQUIREMENTS.

"(a) STATES.—Based upon the evaluations provided to a State under section 7123(f), each State receiving a grant under this title annually shall report to the Secretary on programs and activities undertaken by the State under this title and the effectiveness of such programs and activities in improving the education provided to children and youth who are English language learners and immigrant children and youth.

"(b) SECRETARY.—Every other year, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on programs and activities undertaken by States under this title and the effectiveness of such programs and activities in improving the education provided to children and youth who are English language learners and immigrant children and youth.

"SEC. 7302. COMMINGLING OF FUNDS.

"(a) ESEA FUNDS.—A person who receives Federal funds under subpart 1 of part A may commingle such funds with other funds the person receives under this Act so long as the person satisfies the requirements of this Act.

"(b) STATE AND LOCAL FUNDS.—Except as provided in section 14503, a person who receives Federal funds under subpart 1 of part A may commingle such funds with funds the person receives under State or local law for the purpose of teaching English to children and youth who are English language learners and immigrant children and youth, to the extent permitted under such State or local law, so long as the person satisfies the requirements of this title and such law.".

SEC. 4. GENERAL PROVISIONS.

Part E of title VII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7601 et seq.) is redesignated as part D of such title and amended to read as follows:

"PART D—GENERAL PROVISIONS

"SEC. 7401. DEFINITIONS.

"For purposes of this title:

"(1) CHILDREN AND YOUTH.—The term 'children and youth' means individuals aged 3 through 21.

"(2) COMMUNITY-BASED ORGANIZATION.—The term 'community-based organization' means a private nonprofit organization of demonstrated effectiveness or Indian tribe or tribally sanctioned educational authority which is representative of a community or significant segments of a community and which provides educational or related services to individuals in the community. Such term includes a Native Hawaiian or Native American Pacific Islander native language educational organization.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) one or more local educational agencies;

"(B) one or more local educational agencies in collaboration with—

"(i) an institution of higher education;

"(ii) a community-based organization;

"(iii) a local educational agency; or

"(iv) a State; or

"(C) a community-based organization or an institution of higher education which has an application approved by a local educational agency to enhance an early childhood education program or a family education program.

"(4) ENGLISH LANGUAGE LEARNER.—The term 'English language learner', when used with reference to an individual, means an individual—

"(A) aged 3 through 21;

"(B) who—

"(i) was not born in the United States; or

"(ii) comes from an environment where a language other than English is dominant and who normally uses a language other than English; and

"(C) who has sufficient difficulty speaking, reading, writing, or understanding the English language that the difficulty may deny the individual the opportunity—

"(i) to learn successfully in a classroom where the language of instruction is English; or

"(ii) to participate fully in society.

"(5) IMMIGRANT CHILDREN AND YOUTH.—The term 'immigrant children and youth' means individuals who—

"(A) are aged 3 through 21;

"(B) were not born in any State; and

"(C) have not attended school in any State for more than three full academic years.

"(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(7) NATIVE AMERICAN; NATIVE AMERICAN LANGUAGE.—The terms 'Native American' and 'Native American language' have the meanings given such terms in section 103 of the Native American Languages Act (25 U.S.C. 2902).

"(8) NATIVE HAWAIIAN OR NATIVE AMERICAN PACIFIC ISLANDER NATIVE LANGUAGE EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian or Native American Pacific Islander native language educational organization' means a nonprofit organization—

"(A) a majority of whose governing board, and a majority of whose employees, are fluent speakers of the traditional Native American languages used in the organization's educational programs; and

"(B) that has not less than five years of successful experience in providing educational services in traditional Native American languages.

"(9) NATIVE LANGUAGE.—The term 'native language', when used with reference to an individual who is an English language learner, means the language normally used by such individual.

"(10) OUTLYING AREA.—The term 'outlying area' means any of the following:

"(A) The Virgin Islands of the United States.

"(B) Guam.

"(C) American Samoa.

"(D) The Commonwealth of the Northern Mariana Islands.

"(11) STATE.—The term 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any outlying area.

"(12) TRIBALLY SANCTIONED EDUCATIONAL AUTHORITY.—The term 'tribally sanctioned educational authority' means—

"(A) any department or division of education operating within the administrative structure of the duly constituted governing body of an Indian tribe; and

"(B) any nonprofit institution or organization that is—

"(i) chartered by the governing body of an Indian tribe to operate a school described in section 7112(a) or otherwise to oversee the delivery of educational services to members of the tribe; and

"(ii) approved by the Secretary for the purpose of carrying out programs under subpart 1 of part A for individuals served by a school described in section 7112(a).

"SEC. 7402. LIMITATION ON FEDERAL REGULATIONS.

"The Secretary shall issue regulations under this title only to the extent that such regulations are necessary to ensure compliance with the specific requirements of this title.

"SEC. 7403. LEGAL AUTHORITY UNDER STATE LAW.

"Nothing in this title shall be construed to negate or supersede the legal authority, under

State law, of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

"SEC. 7404. RELEASE FROM COMPLIANCE AGREEMENTS.

"Notwithstanding section 7403, any compliance agreement entered into between a State, locality, or local educational agency and the Department of Health, Education, and Welfare or the Department of Education, that requires such State, locality, or local educational agency to develop, implement, provide, or maintain any form of bilingual education, is void.

"SEC. 7405. RULEMAKING ON OFFICE OF CIVIL RIGHTS GUIDELINES AND COMPLIANCE STANDARDS.

"(a) IN GENERAL.—In accordance with subchapter II of chapter 5 of part I of title 5, United States Code, the Secretary—

"(1) shall publish in the Federal Register a notice of proposed rulemaking with respect to the enforcement guidelines and compliance standards of the Office of Civil Rights of the Department of Education that apply to a program or activity to provide English language instruction to English language learners that is undertaken by a State, locality, or local educational agency;

"(2) shall undertake a rulemaking pursuant to such notice; and

"(3) shall promulgate a final rule pursuant to such rulemaking on the record after opportunity for an agency hearing.

"(b) EFFECT OF RULEMAKING ON COMPLIANCE AGREEMENTS.—The Secretary may not enter into any compliance agreement after the date of the enactment of this section pursuant to a guideline or standard described in subsection (a)(1) with an entity described in such subsection until the Secretary has promulgated the final rule described in subsection (a)(3).

"SEC. 7406. REQUIREMENT FOR STATE STANDARDIZED TESTING IN ENGLISH.

"(a) REQUIREMENT.—In the case of a State receiving a grant under this title that administers a State standardized test to elementary or secondary school children in the State, the State shall not exempt a child from the requirement that the test be administered in English, on the ground that the child is an English language learner, if the child—

"(1) has resided, throughout the 3-year period ending on the date the test is administered, in a geographic area that is under the jurisdiction of only one local educational agency; and

"(2) has received educational services from such local educational agency throughout such 3-year period (excluding any period in which such services are not provided in the ordinary course).

"(b) IN GENERAL.—Notwithstanding any other provision of this title, if a State fails to fulfill the requirement of subsection (a), the Secretary shall withhold, in accordance with section 455 of the General Education Provisions Act, all funds otherwise made available to the State under this title, until the State remedies such failure.".

SEC. 5. CONFORMING AMENDMENTS.

(a) TITLE HEADING.—The title heading of title VII of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

"TITLE VII—ENGLISH LANGUAGE FLUENCY AND FOREIGN LANGUAGE ACQUISITION PROGRAMS".

(b) ELEMENTARY AND SECONDARY EDUCATION ACT.—The Elementary and Secondary Education Act of 1965 is amended—

(1) in section 2209(b)(1)(C)(iii) (20 U.S.C. 6649(b)(1)(C)(iii)), by striking "Bilingual Education Programs under part A of title VII." and inserting "English language education programs under part A of title VII."; and

(2) in section 14307(b)(1)(E) (20 U.S.C. 8857(b)(1)(E)), by striking "Subpart 1 of part A of title VII (bilingual education)." and inserting "Chapter 2 of subpart 1 of part A of title VII (English language education).".

(c) DEPARTMENT OF EDUCATION ORGANIZATION ACT.—

(1) IN GENERAL.—The Department of Education Organization Act is amended by striking "Office of Bilingual Education and Minority Languages Affairs" each place such term appears in the text and inserting "Office of English Language Acquisition".

(2) CLERICAL AMENDMENTS.—

(A) SECTION 209.—The section heading for section 209 of the Department of Education Organization Act is amended to read as follows:

"OFFICE OF ENGLISH LANGUAGE ACQUISITION".

(B) SECTION 216.—The section heading for section 216 of the Department of Education Organization Act is amended to read as follows:

"SEC. 216. OFFICE OF ENGLISH LANGUAGE ACQUISITION.".

(C) TABLE OF CONTENTS.—

(i) SECTION 209.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 209 to read as follows:

"Sec. 209. Office of English Language Acquisition.".

(ii) SECTION 216.—The table of contents of the Department of Education Organization Act is amended by amending the item relating to section 216 to read as follows:

"Sec. 216. Office of English Language Acquisition.".

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall take effect on the date of the enactment of this Act, or October 1, 1998, whichever occurs later.

The CHAIRMAN. Under the rule, before consideration of any other amendment, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD numbered 1 if offered by the gentleman from California (Mr. RIGGS) or his designee. That amendment shall be considered read, shall be debatable for 10 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.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

After disposition of amendment No. 1, it shall be in order to consider the amendment printed in the CONGRESSIONAL RECORD numbered 2, if offered by the gentleman from California (Mr. RIGGS) or his designee. That amendment shall be considered read. That amendment and all amendments thereto shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Chair understands that amendment No. 1 will not be offered by the gentleman from California.

Pursuant to House Resolution 516, it is now in order to consider amendment No. 2 printed in the CONGRESSIONAL RECORD.

AMENDMENT NO. 2 OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, pursuant to the rule, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. RIGGS:

Page 16, line 16, strike "and".

Page 17, line 3, strike "students." and insert "students; and".

Page 17, after line 3, insert the following:

"(F) the eligible entity is not in violation of any State law, including State constitutional law, regarding the education of English language learners."

The CHAIRMAN. Pursuant to House Resolution 516, the gentleman from California (Mr. RIGGS) and a Member opposed each will control 15 minutes of debate on the amendment and all amendments thereto.

The Chair recognizes the gentleman from California (Mr. RIGGS).

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

Mr. Chairman, I would explain this very, very straightforward amendment. As we completed consideration of this bill in committee, we realized that additional language would be necessary to make sure that there was no conflict or inconsistency between this legislation, new Federal law, and existing State law with respect to bilingual educational, so I am offering an amendment here which will permit States to approve applications from eligible entities, that is to say, from local school districts, only if that local school district is not in violation of any provision in State law with respect to bilingual education, including State constitutional law.

Again, I am doing that to make sure that we attempt to anticipate any potential problem or conflict between new provisions in Federal law and existing State law. We want to make sure that both State and Federal law are compatible with respect to the education of limited or non-English-speaking proficient students and immigrant children and youth.

The amendment still respects a State's right to determine how to educate limited English proficient students, and it penalizes eligible entities, local school districts by withholding Federal funding only if that local school district, again, is not in compliance or refuses to comply with State law.

We strongly believe that Federal funding should not be used to support local school districts that refuse to comply with State laws governing the education of children, and again, particularly with respect to limited English proficient students and bilingual programs for immigrant children and youth.

So it is a very straightforward, commonsense amendment. It is one that I hope the minority will accept. Just before yielding the floor, I want to go back to one point, so that Members are not confused or further confused as debate proceeds here, because we have used, up until this point, the terms "consent decree" and "compliance agreement" interchangeably.

I want to again make very, very clear that in part because of what I felt was the legitimate, constructive criticism of the draft legislation offered by my Democratic colleagues, and specifically the ranking member of our subcommittee, the gentleman from California (Mr. MARTINEZ), we dropped the provision, the earlier provision in the bill, that would have, by passage of this legislation and enactment into law of this legislation, effectively terminated or vacated court-ordered consent decrees.

I thought the gentleman from California (Mr. MARTINEZ), the gentleman from Virginia (Mr. SCOTT), and others made very legitimate arguments that if we attempted to, if you will, impose such a mandate on the courts, we would very definitely be encroaching upon the prerogative of the judicial branch of government, so we deleted those provisions from the bill.

The bill is now completely silent on court-ordered consent decrees with respect to the civil rights of non-English or limited English speaking students to get a quality public education.

It does still, and this would be legitimate, valid criticism with which I would respectfully disagree, it does effectively void or, again, terminate the administratively-issued, by the Federal Department of Education Office of Civil Rights, compliance agreements between the Federal Government and a particular school district at the local level.

It vacates those because in the bill we require the Office of Civil Rights to publish new guidelines for compliance agreements, and then we allow for a review period when interested members of the public, certainly interested members of the education profession, the education community, and the respective committees of the Congress with authorizing and oversight responsibilities can comment on those guidelines before they would then go into effect.

Again, I want to make sure that our colleagues are very clear, here, that we are in no way attempting to infringe on the legitimate prerogative and authority of the judicial branch of government, and we in no way tamper, modify, or undo the existing court-ordered consent decrees that are in place in many local school districts around the country.

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

The CHAIRMAN. Is the gentleman from Missouri (Mr. CLAY) opposed to the amendment?

Mr. CLAY. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from Missouri (Mr. CLAY) is recognized for 15 minutes.

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

The CHAIRMAN. Is the gentleman from Missouri (Mr. CLAY) yielding 15 minutes to the gentleman from California (Mr. MARTINEZ)?

Mr. CLAY. Yes, I am, Mr. Chairman.

The CHAIRMAN. The gentleman from California (Mr. MARTINEZ) is recognized.

AMENDMENT OFFERED BY MR. MARTINEZ TO AMENDMENT NO. 2 OFFERED BY MR. RIGGS

Mr. MARTINEZ. Mr. Chairman, I offer an amendment to amendment No. 2.

The Clerk read as follows:

Amendment offered by Mr. MARTINEZ to amendment No. 2 offered by Mr. RIGGS:

In the matter proposed to be inserted by the amendment on page 17, after line 3, of the bill, strike "learners." and insert "learners, except if necessary for the eligible entity to comply with Federal law (including a Federal court order).".

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

I offer this amendment on behalf of the gentlewoman from California (Ms. PELOSI).

As I said earlier, the bill today is based more on myth than exceptions to the rule, and polling numbers rather than sound policy. The Riggs amendment that he was just addressing requires adherence to State laws above all else, and it further creates a problem by singling out school districts that have expressed their commitment to the comprehensive education of LEP children.

San Francisco in particular has operated its bilingual program education under a court order since the Lau decision. In addition, Chicago, Denver, New York, and others are operating under similar court-ordered arrangements.

The school districts in these cities continue to take the steps necessary to ensure that the language minority children in their communities are provided with meaningful access to the general education curriculum. In San Francisco's case, this includes not implementing California's Proposition 227, which would compel them to cease instruction in any language but English, a practice that landed them in court over two decades ago.

The subcommittee chairman has argued that no one approach to bilingual education is mandated in H.R. 3892. His amendment that we are currently considering would clearly mandate immersion in all California schools as a condition of maintaining Federal aid.

This amendment would reaffirm that Federal law and the U.S. Constitution are primary concerns. As such, schools should not be forced to deny services to students and deprive them of full access to the general curriculum in direct conflict with the civil rights of those children.

In the case of San Francisco, they should not be forced to give up over $1 million in Federal aid because they work to ensure the civil rights of their students. To make it clear that the constitutional guarantee of equal access to education supersedes all other educational mandates, I urge my colleagues to support the amendment.

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

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

Mr. Chairman, on first blush, I think we would have to oppose the amendment offered by the gentleman from California (Mr. MARTINEZ) as overly broad. Let me say to the gentleman that I think I understand his intent, and that we might be able to accept a modification of his amendment that would add the end of my amendment.

I would propose this now, and I quote, ". . . learners, except if necessary for the eligible entity to comply with a Federal court order." In other words, we would be deleting, "to comply with Federal law." That is overly broad, but I think it would still go to his concern and the concern of the gentlewoman from California (Ms. PELOSI), which is that if a Federal court issued a court order, if you will, stymying or delaying the implementation of Proposition 227, that would be a court order. So I would have no problem narrowing the scope of his amendment along those lines, but would have to oppose the amendment as it is currently drafted as, again, overly broad.

I would ask the gentleman, would not that modification, as I just proposed, address his concern or the concern of the gentlewoman from California (Ms. PELOSI) and still satisfy the intent of his proposed amendment?

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

Mr. RIGGS. I yield to the gentleman from California.

Mr. MARTINEZ. Not really, because of the gentleman's restriction on the ability of them to get Federal dollars simply because they are actually complying with a Federal law, they are complying with a Federal law under the language the gentleman suggests. I do not think the bill as it was drafted by the gentlewoman from California (Ms. PELOSI) is that broad.

□ 1545

It is very definite in stating that what we are trying to do here is prevent people from being punished who are complying with a court order.

Mr. RIGGS. Mr. Chairman, reclaiming my time, as I just said to the gentleman, that would be fine as he describes it with a court order.

Mr. MARTINEZ. Mr. Chairman, if the gentleman would continue to yield, but also Federal law. There are two things, first the court order and then Federal law.

Mr. RIGGS. Mr. Chairman, reclaiming my time with the purpose of yielding to the gentleman again, what specific Federal law or laws does the gentleman have in mind?

Mr. MARTINEZ. The Civil Rights Act.

Mr. RIGGS. I see. I think we might have some potential to work something out here, but I need to give it a little bit further thought and reflection and would propose that our staffs have a chance to perhaps huddle on this particular amendment.

Mr. Chairman, let me also, while I still control the time, just point out our concern. Our concern is that we do not want Federal law to necessarily override State law with respect to the day-to-day administration of bilingual education programs. I think the gentleman from California (Mr. MARTINEZ) would acknowledge that bilingual education is first and foremost a responsibility of State and local government, and that is the concern that we have on this side.

I am very open to the suggestion that we make sure that a Federal court order would have the highest priority and would override State and local law. I think that is consistent with what I said earlier about the reason for our deleting the language in the bill dealing with court ordered consent decrees. I will leave that with the gentleman.

Mr. MARTINEZ. Mr. Chairman, if the gentleman would again yield, in the gentleman's revision of the bill, he did go to some degree to doing that. But in his published bill now, he has reverted back to the same position that he had before.

Now, I think our staffs are willing to work with the gentleman's staffs in trying to work something out so that we might come to a mutual agreement where we can thereby protect especially the County of San Francisco who must comply both with the court order and the Federal law.

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

Mr. MARTINEZ. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman from California (Mr. MARTINEZ) for yielding me this time.

Mr. Chairman, this is a perfect example of why this legislation is premature. We are trying to craft legislation on the floor of the House. That is why we have committee processes and that is why we take deliberative time and witnesses' testimony to know where we go with this legislation.

We are not there yet. That has been the complaint of a number of us. Not that we do not want to see changes, but let us do them right. We are about to enact law. We do not have time to say we just passed the law, can we just tweak it a little bit more? You cannot do that. That is not the way a deliberative body works.

Secondly, this amendment offered by the gentleman from California (Mr. RIGGS) actually tries to impose upon the local school districts, usurp local control by telling a local school district, which went to court and found that the court agreed with it, that it must continue its current programs. This amendment would say to that local school district: "You cannot do that. We high and mighty up here in Washington, D.C. have decided you cannot do that."

That is not in the current bill, but the gentleman from California (Mr. RIGGS) wants to put it in the bill to take that local guidance, that local opportunity to decide what to do, away from that local school district after a court has agreed with it. That does not to me seem like local control.

Mr. Chairman, I would hope that we would take a look at what the gentleman from California (Mr. RIGGS) is trying to do. He is trying to say that because a court found that a school district should be entitled to continue its program to try to educate its kids, he wants to enact an amendment that would stop that school district that has been found by a court to be correct in its administration of its educational programs.

Mr. Chairman, if Members want to talk about usurping local control, this amendment is it because it is telling one or two local school districts, of the several thousand that the chairman and the committee noted that we have in this country, that because they have a court order, they should not go forward. That is how egregious we have gotten in these amendments and that is why this bill is such a denial of local opportunities to make decisions for the education of our kids.

Somehow the Members of this House of Representatives know better than all the elected school officials on the school boards of our Nation; all the principals of our schools and all the administrators. And by the way, that is probably why the National PTA, the School Administrators Association, the school board associations nationally, all of those organizations oppose this legislation, because it truly does strip away local control and it tells them: This is the way to do. If they do not like the shape of this cookie, too bad, because that is the way all of the cookies will be shaped.

We should reject this amendment offered by the gentleman from California (Mr. RIGGS), certainly accept the second degree amendment offered by the gentleman from California (Mr. MARTINEZ). But still we are talking about trying to improve a monster. A monster is still a monster. No matter how much you comb its hair, it is still a monster.

Mr. Chairman, I would hope we would oppose this legislation at the end of the day. I urge my colleagues to pass the Martinez second degree amendment, defeat the Riggs amendment, and ultimately defeat the bill.

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

The CHAIRMAN. The gentleman from California (Mr. RIGGS) has 6 minutes remaining, and the gentleman from California (Mr. MARTINEZ) has 10 minutes remaining. The gentleman from California (Mr. MARTINEZ) has the right to close.

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

Mr. Chairman, it is simply this, that under the bill's present language, school districts who did not comply with State law will lose Federal dollars. And the County and City of San Francisco would lose over a million dollars, which is hardly something it can afford, simply because, simply because they are required by a court order to provide this education for these children.

I think that is a terrible thing to do for an entity as large as San Francisco with as many children as they serve. I think it is inappropriate. I would insist on my amendment.

Mr. RIGGS. Mr. Chairman, will the gentleman yield before he closes debate?

Mr. MARTINEZ. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, again, I just wanted to make the point one more time. It does not sound like we are going to be able to work something out on this, but I want to say one more time that I am very comfortable with language that would say that a court order, Federal court order would take precedence over State and local law with respect to bilingual education or State local policy.

But, Mr. Chairman, I cannot support an amendment that appears to be intended to create an escape hatch, an "out clause" for local school districts in California that do not want to comply with a voter-approved ballot initiative that passed by a margin of 61 to 39 percent.

Mr. MARTINEZ. Mr. Chairman, reclaiming my time, if I understand the gentleman right, what it is is that the

language in there, "complying with Federal law," is what the gentleman considers too broad and covers too many bases. In other words, what the gentleman thinks is that gives school districts all over the country an escape hatch of not having to comply with Federal law. That would only occur if they were under a court order.

Mr. RIGGS. Mr. Chairman, if the gentleman would continue to yield, I think then we are moving in the same direction again. It seems if we take the San Francisco Unified School District, or any school district, if they want to go to a Federal court for relief from Proposition 227, and they are successful in obtaining a court order that says that they do not need to comply with Proposition 227, I can live with that. That is why I am suggesting that the gentleman change his amendment.

Mr. MARTINEZ. Mr. Chairman, again reclaiming my time, I cannot see that a school district of its own volition would go to the court to get relief in order to put themselves under a court order. As it has been in most cases, those court orders that were issued were because the school districts fought, fought to have to comply with a Federal law. The voluntary ones were when they were approached about violation of the Federal law, they then complied voluntarily, and the gentleman has already eliminated those.

So in this instance I cannot see, I cannot envision a school district who does not want to comply or who automatically would want to comply would then put themselves in the Federal court process in order to be able to get out of the laws as the gentleman has written it in this bill.

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

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

Mr. Chairman, as I understand, we are winding down debate on the Martinez amendment to my amendment No. 2. I want to make this point again. Again, I do not sense that we are that far apart and this may just be a matter of semantics. But as I understand what the gentleman is saying, if there is a legitimate legal or policy dispute in the eyes of a local school district and ultimately its governing board and its top administrators, and if that dispute is between Federal and State law, it seems to me by definition that is an issue that has to be adjudicated in the courts.

That is why I am saying to the gentleman that if the court does adjudicate that matter, and if the court does issue an order that says for all intents and purposes Federal law supersedes State law, takes precedence over any provisions in the State law or the State Constitution, I could live with that decision and I would be happy to reflect that in the bill.

Mr. Chairman, I cannot go along with a provision that is so broad as to say "Federal law generally." Again, it seems to me that the very purpose of the judicial branch, the third branch of government, is to adjudicate a dispute between Federal and State law. That is why I am suggesting to the gentleman that he narrow his amendment so that it would say except as necessary for the general entity, in other words the local school district, to comply with a Federal court order. Because I still think that accomplishes the same purpose, but would not be so broad as to create confusion in the minds of local school districts, should this legislation become law.

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

Mr. RIGGS. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, in the scenario the gentleman just laid out, what he is envisioning is if there were a conflict between let us say the PTA or the citizens who have children in the school would be in conflict with their board, that they would go to court to get a court order that they teach bilingual education? Is that what the fear is?

Mr. RIGGS. Mr. Chairman, reclaiming my time, I do not know that it is a fear. I want to go back to the gentleman's position.

Mr. MARTINEZ. Maybe fear is the wrong word, but is that the concept, that that would be a possibility?

Mr. RIGGS. Mr. Chairman, yes, and my opinion is that that local school district should have to go to court to adjudicate an unclear or conflicting provision between Federal and State law. And then if a Federal court order results, then obviously that local school district should have to comply with the ultimate decision and interpretation or decision and ruling of the Federal court.

Mr. MARTINEZ. Mr. Chairman, if the gentleman would continue to yield, if it were members of the community who were in disagreement with the school board, they elect that school board so they are their bosses. And if they want that school board to teach bilingual education, who are we to tell them that they cannot go to court to get that court order in order that they be able to get that program there?

I would think that the gentleman would want that, because he has repeatedly, coming from a school board himself, being elected by the local constituencies, that he would understand that the constituent is the controller of what our actions are and what we do. They elect us to represent them. Why would the gentleman be in conflict with that?

Mr. RIGGS. Mr. Chairman, I would say to the gentleman, I am not sure I am. I would reverse the gentleman's argument and ask him if he is suggesting, going back to our home State of California, that in every community where a majority of the electorate supported Proposition 227, that that decision should be binding on the local school district?

As the gentleman knows, my legislation does not go that far. It allows the local school district to determine the bilingual instructional method most appropriate for that school, whether it is English language immersion, native language immersion, or dual immersion. So, it does not go nearly as far as Proposition 227.

Again, Mr. Chairman, think the gentleman is on the right track. I think he makes a valid point that there could be a potential for conflict between Federal and State law. That should be, by definition, adjudicated and decided by the judicial branch of government and than that court order should be binding. That is why I am suggesting that his amendment should apply only to Federal court orders and not so broadly as to apply to Federal law.

□ 1600

Mr. MARTINEZ. Mr. Chairman, the whole thing is that you ought to be able to give constituencies in different areas the right to select what they want for their school district. You have said that repeatedly.

Mr. RIGGS. I think we do that.

Mr. MARTINEZ. If there is a school constituency that wants bilingual programs, and their school board will not give it to them, and they do not want to wait until the next election to vote these people out and vote people in that will give it to them, then they ought to be able to go to court and get a court order.

That is where I cannot see where my colleague is in conflict with that terminology that says that it comply with Federal law. Federal law does supersede State law, and they ought to be able to take advantage of that.

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

Mr. MARTINEZ. Mr. Chairman, may I inquire as to how much time is remaining.

The CHAIRMAN. The gentleman from California (Mr. MARTINEZ) has 6½ minutes remaining.

Mr. MARTINEZ. Mr. Chairman, I yield 6½ minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, let me see if I can try to capture what the gentleman from California (Mr. RIGGS) was trying to do. It seems to me that the gentleman from California is encountering resistance on our part to accept his offer on the amendment to accept language that limits the provisions of the amendment of the gentleman from California (Mr. MARTINEZ) to court order, because if we limit the application of this amendment to a Federal court order, in essence, we are saying all Federal laws and all Federal constitutional laws would not be

grounds to allow these school districts to maintain their programs.

Ultimately, we cannot deny someone a constitutional right. But my colleagues are trying to almost explicitly exclude other Federal protections, like our civil rights laws, 1964 Civil Rights Act. By not including that, my colleagues have implicitly excluded them from consideration.

That is the reason the gentleman from California (Mr. MARTINEZ) and those of us here would be resistant to that amendment that my colleague has to the amendment of the gentleman from California (Mr. MARTINEZ) because it would overly limit the application of the amendment of the gentleman from California (Mr. MARTINEZ).

So I would hope that we would not want to try to exclude a local school district, that school board members, its principals, its teachers from saying we believe that the constitutional rights of the children in our schools or of the parents or of the educational body in San Francisco, in this case, is being violated by current State law, and we would like to test that in Federal court. They apparently tested it, and they have a Federal court order. They are allowed to continue teaching.

I would like to, I think, end with this: The school district we are talking about, which is in jeopardy of losing more than $1 million under the Riggs amendment is also the school I cited about an hour ago as having had very remarkable results when its children took the standardized testing and reporting exam offered by the State of California, the State's standardized test.

Third graders from a San Francisco school district who had graduated from a bilingual education program scored 40 percentage points higher than their native English speaking counterparts on math.

On language, bilingual fourth graders, or fourth graders who had graduated from bilingual programs, I should say, scored 25 percentage points higher than native English speakers.

A program which is showing success, and I suspect that you can point to some programs which are not doing so well, some of these kids, but a program that is demonstrating ample success for kids that are limited English proficient to, not only score well, but score better than their native English speaking peers is now placed in jeopardy by the amendment of the gentleman from California (Mr. RIGGS) because the amendment of the gentleman from California (Mr. RIGGS) would prohibit that school district from continuing to operate a program which has shown such dramatic success, so much success that Governor Wilson's spokesperson even said it is remarkable. That alone would be enough reason to oppose this amendment.

But because it also would limit the application of other Federal laws, I think there is good reason to say we should go with the secondary amendment of the gentleman from California (Mr. MARTINEZ) and, ultimately, as I said before, put this to bed, put this to rest, and let us move on to those things that we need to do this year and move next year to try to, all in a bipartisan fashion, work on bilingual education.

Ms. PELOSI. Mr. Chairman, I rise in support of the Martinez Amendment to the Riggs Amendment. I appreciate Rep. MARTINEZ offering the Amendment in my absence. I was unable to leave the Appropriations Committee mark up.

The Riggs Amendment denies funding to school districts because they are out of compliance with State Law or State Constitutional Law, even if compliance is not possible given federal court mandates. This amendment will punish school districts, and the students they are responsible for, merely because these districts are caught in a bind between conflicting laws.

The San Francisco Unified School District is currently under a federal court decree to provide access to English as a Second Language classes and bilingual education. Though the District has pledged to comply with state law to the greatest extent possible, the District is acting appropriately and legally by obeying a federal court decree.

The Martinez amendment to the Riggs amendment simply provides an exception for school districts, like San Francisco, which are caught between state and federal legal mandates. The Martinez amendment states that funding will not be denied if violation of state law is "necessary for the eligible entity to comply with Federal law (including a Federal court order)."

If the Riggs Amendment passes without the Martinez amendment, the San Francisco Unified School District stands to lose over $1 million in fideral funds used to provide services to over 21,000 children. At least five other school districts—including Chicago, Denver, New York City, San Jose, and St. Paul—are under court-ordered consent decree regarding bilingual education.

The Congress should not force school officials in these districts to choose between resources for children and compliance with a federal court order. The Martinez Amendments to the Riggs Amendment protects school districts that are simply trying to comply with the law.

I urge my colleagues to vote for this amendment to the amendment.

Mr. LANTOS. Mr. Chairman, I rise in strong opposition to the amendment of Mr. RIGGS and in equally strong support of the amendment offered by Mr. MARTINEZ to the Riggs Amendment. The amendment being offered by Mr. MARTINEZ is the result of thoughtful hard legislative work by my distinguished colleague Congresswoman PELOSI, who together with me represents the City of San Francisco. I thank her for her important efforts in this regard.

Under the Riggs Amendment, school districts—such as the San Francisco Unified School District—would lose Federal funding if they do not comply with State Law, even if those school districts were adhering to a Federal court order that conflicts with state law.

The Riggs Amendment puts responsible, functioning school districts in an untenable situation. If the Riggs Amendment passes, school districts would be asked to choose between compliance with Federal law as mandated by United States courts and with receiving Federal funding. Is this the message we in the Federal Government wish to send the American people? Should we penalize American school-children simply because their school district has acted properly to observe the laws of the United States as interpreted by Federal courts? Our Constitution provides that federal law takes precedence over state law, and clearly school districts acting in accordance with Federal law should not loose Federal funding because there is a conflicting state law.

Mr. Chairman, the Riggs Amendment specifically attacks school districts in cities such as Chicago, Denver, New York City, San Jose, and St. Paul—each of which is following a court-ordered mandate regarding bilingual education. The San Francisco Unified School District could lose nearly $1 million in federal funding if the Riggs Amendment is adopted.

Mr. Chairman, it is an outrage that Mr. RIGGS' Amendment would enact legislation that would harm school districts in this manner. The Riggs Amendment will hurt rather than help our school children. The Riggs Amendment will subordinate the quality of our children's education to politics. This amendment is a poison whose only antidote is the Martinez Amendment.

Mr. Speaker, I urge my colleagues to oppose the Riggs Amendment and support the Martinez Amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. MARTINEZ) to amendment No. 2 offered by the gentleman from California (Mr. RIGGS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. RIGGS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 516, further proceedings on the amendment offered by the gentleman from California (Mr. MARTINEZ) will be postponed and the subsequent vote on the amendment No. 2 offered by the gentleman from California (Mr. RIGGS) will also be postponed.

Are there further amendments?

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, parliamentary inquiry. Under the rule, is this the appropriate juncture where I am to offer another preprinted amendment, or can I yield to the gentleman from Texas (Mr. BONILLA) who also has an amendment?

The CHAIRMAN. Any Member may offer an amendment.

Mr. RIGGS. Mr. Chairman, I will defer to the gentleman from Texas (Mr. BONILLA).

AMENDMENT NO. 3 OFFERED BY MR. BONILLA

Mr. BONILLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BONILLA:

Page 30, line 10, strike "(a)(3)." and insert "(a)(3).'.".

Beginning on page 30, strike line 11 through page 31, line 8.

Mr. BONILLA. Mr. Chairman, I grew up in a neighborhood where over 90 percent of the people growing up in my neighborhood and in my school district spoke Spanish as their first language. I thank my lucky stars every day that my mother had the wisdom at the time to teach me and my two brothers and two sisters English when we were very young so that we would be better prepared for school and better prepared to achieve other goals in our lives.

Back then, there was no bilingual education. I understand that, over the years, bilingual education has helped many students in this country. But somehow the situation that we have now has gotten out of control in some areas with too much Federal control.

That is why I applaud the gentleman from California (Mr. RIGGS) for his effort today in trying to return more power to the people in neighborhoods across this country where it belongs so that parents and administrators and teachers can decide for themselves what is right for the curriculum in their own neighborhoods.

My amendment specifically addresses a portion of the bill of the gentleman from California (Mr. RIGGS) that addresses any national testing. My amendment would eliminate any effort of national testing undertaken as part of this reform.

In my view, after this amendment is passed, if it is passed, the bill would be an excellent bill to move forward on because it would go even one step further in taking Federal control away from local school districts. The requirement for Federally mandated testing is now part of this bill.

My understanding is the gentleman from California (Mr. RIGGS) is accepting my amendment to give States, and not Washington bureaucrats, content with the status quo and know-how, and let the locals decide how to administer tests.

This bill is about moving from the status quo in bilingual education toward real opportunity for students. This bill does not abolish bilingual education. I hope that we do not get sidetracked in rhetoric among some Members here that somehow this is an attack on bilingual education.

Bilingual education can still serve a purpose in this country, but, again, it should be administered by the people in communities to serve their children as they see fit. This bill gives American students the chance they deserve to achieve the American dream.

Again, I looked at the students that I grew up with in the south side of San Antonio and notice that those who were given the choice of learning English as quickly as possible tended to be those who achieved faster.

We have had revolutions in some parts of the country, some in California and other parts in the west from parents who want to have that local control and would like to have a say in whether or not their kids are part of a bilingual education program. That is what this bill tries to do, to give them a helping hand in establishing that parental decision and choice about their own children's education.

Again, my amendment simply deals with any effort to impose any kind of national testing related to bilingual education, and I would hope that my colleagues on both sides of the aisle would support my amendment.

Mr. CLAY. Mr. Chairman, will the gentleman yield to me?

Mr. BONILLA. I am happy to yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, we, of course, do not intend to oppose the amendment. We will accept it. But I think we ought to point out that this shows the deficiency in this bill when we try to correct it piecemeal, in a piecemeal fashion.

So that is why we are opposed to the bill. There are too many deficiencies in this bill that my colleagues are not correcting on that side in the piecemeal fashion. But we will accept this. We have no objection to this amendment.

Mr. BONILLA. I appreciate the support of the gentleman from Missouri (Mr. CLAY), my friend, of my amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENTS OFFERED BY MR. RIGGS

Mr. RIGGS. Mr. Chairman, I offer Amendments No. 5, 7, 8 and 9, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments No. 5, 7, 8, and 9 offered by Mr. RIGGS:

AMENDMENT NO. 5: Page 24, line 21, strike "or".

Page 25, line 2, strike "program." and insert "program; or".

Page 25 after line 2, insert the following:

"(D) a State educational agency, in the case of a state educational agency that also serves as a local educational agency.

AMENDMENT NO. 7: Page 13, after line 18, insert the following:

"(E) Developing tutoring programs for English language learners that provide early intervention and intensive instruction in order to improve academic achievement, to increase graduation rates among English language learners, and to prepare students for transition as soon as possible into classrooms where instruction is not tailored for English language learners or immigrant children and youth.

Page 13, line 19, strike "(E)" and insert "(F)".

AMENDMENT NO. 8: Page 17, line 17, strike "and"

Page 17, line 19, strike the period at the end and insert "; and".

Page 17, after line 19, insert the following:

"(C) the number and percentage of students in the programs and activities mastering the English language by the end of each school year.

Page 19, after line 2, insert the following:

"(4) EVALUATION MEASURES.—In prescribing the form of an evaluation provided by an entity under paragraph (1), a State shall approve evaluation measures for use under paragraph (3) that are designed to assess—

"(A) oral language proficiency in kindergarten;

"(B) oral language proficiency, including speaking and listening skills, in first grade; and

"(C) both oral language proficiency, including speaking and listening skills, and reading and writing proficiency in grades two and higher.

AMENDMENT NO. 9: Page 19, line 5, strike "(b) and (c)," and insert "(b), (c), and (d),".

Page 20, after line 13, insert the following:

"(d) MINIMUM ALLOTMENT.—

"(1) IN GENERAL.—Notwithstanding subsections (a) through (c), the Secretary shall not allot to any State, for fiscal years 1999 through 2003, an amount that is less than 100 percent of the baseline amount for the State.

"(2) BASELINE AMOUNT DEFINED.—For purposes of this subsection, the term 'baseline amount', when used with respect to a State, means the total amount received under parts A and C of this title for fiscal year 1998 by the State, the State educational agency, and all local educational agencies of the State.

"(3) RATABLE REDUCTION.—If the amount available for allotment under this section for any fiscal year is insufficient to permit the Secretary to comply with paragraph (1), the Secretary shall ratably reduce the allotments to all States for such year.

Page 20, line 14, strike "(d)" and insert "(e)".

Page 20, line 24, strike "(e)" and insert "(f)".

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. RIGGS. Mr. Chairman, let me very quickly do something I do not normally do or like to do, and that is just respond to the amendment of the gentleman from Texas (Mr. BONILLA), which has already passed, just to make sure that Members are clear, because I know the gentleman from Missouri (Mr. CLAY) just cited the amendment of the gentleman from Texas (Mr. BONILLA) as evidence that the bill was hastily crafted.

I just wanted to make it clear that on this side of the aisle that what we were trying to do in the original bill is ensure that, again, Federal and State

law, to the extent possible, are consistent and making sure that the Federal taxpayer funding and Federal bilingual education programs do not create a loophole in States where the State and local elected decision makers have decided that State standardized tests and assessments will be administered only in English. We were just trying to make that consistent.

But the gentleman from Texas (Mr. BONILLA) had concerns. He had concerns that the bill was even addressing State testing in any fashion. I understood those concerns, understood his desire that our bill be silent with respect to State testing and agree with him that, in the end run, by the bill being silent, State and local decision makers can still make a decision that they will administer State and local standardized tests only in English for all students, and that would include those students who are limited-English proficient.

I now turn my attention to the en bloc amendments. It is again very simple, straightforward. First of all, a provision providing a 100 percent hold harmless so the States do not experience any dramatic decrease in funding as a result of changing or transitioning these two programs, the Federal bilingual education and the Federal immigrant education programs into a single block grant.

The new formula would obviously, as a result of the 100 percent hold harmless, only apply to new funding, that is to say, annual appropriations over and above the current spending levels for these two programs.

Secondly, we add to the list of approved local activities, tutoring programs for limited-English proficient and immigrant children and youth, that would provide early intervention services to help prevent these children from dropping out of school.

I have already spoken earlier about the alarmingly high dropout rate for Hispanic American students hovering in the 54 to 55 percent range. What we are trying to do is focus more services earlier on helping these young people provide the kind of intensive educational services through tutoring so that, hopefully, they will remain in school and at least obtain a high school degree.

I think every Member of this body would agree particularly, you know, as an extension, if you will, of our committee hearings over the last 2 years, that all the evidence suggests that a young person today has to have some degree or some amount of postsecondary education, college education, hopefully a college degree if they want to go out and successfully compete in the adult work force.

□ 1615

So it is just critically important that we do a better job at all levels of government, by the way, Federal, State and local, in helping limited or non-English speaking students. And that is what we are attempting to do here by expanding the list and the scope of allowable local activities.

We also make two changes to the evaluation section to clarify that academic progress be determined by both the number and percentage of children having attained mastery in English at the end of the school year, and we outline the suggested design for measures to evaluate the English language skills of students based on the grade of the child.

I think there was a suggestion earlier in the debate that we were somehow lowering or removing standards all together for the Federal bilingual education program. And, in fact, I think that is one of the main arguments or criticisms that the gentleman from California (Mr. MARTINEZ) made of the bill, judging from his "Dear Colleague". And, again, nothing could be further from the truth.

We do have, I think, a very sound methodology incorporated into the bill for evaluating the academic progress and, hopefully, the academic success of English language learners.

The CHAIRMAN. Does any Member wish to debate the amendments?

The question is on the amendments offered by the gentleman from California (Mr. RIGGS).

The amendments were agreed to.

AMENDMENT NO. 4 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, pursuant to the rule, I offer amendment No. 4.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HAYWORTH:

Page 30, after line 10, insert the following (and redesignate any subsequent sections accordingly):

"SEC. 7406. RULE OF CONSTRUCTION.

"Nothing in this Act shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or Alaska Native languages.".

Mr. HAYWORTH. Mr. Chairman, my amendment simply clarifies that nothing in this bill will limit the preservation or the use of Native American or Native Alaskan languages.

As many Members of this body know, nearly one in four of my constituents are Native American. I represent eight tribes, including the largest sovereign tribe, the great Navajo Nation. Through constitutional and treaty obligations, Native Americans are guaranteed certain rights and protections, and I can think of no more important protection than the preservation of the languages and cultures of the first Americans.

While it is important that every American learn English to succeed, it is also important that we ensure that native languages and cultures continue to thrive. Indeed, these unique cultures provide a deeper understanding of our country's history. It is also important that we preserve these languages because, unlike immigrants who came to our country by choice or circumstance, Native Americans have always inhabited the land we now call the United States of America.

Mr. Chairman, my point is simple: Native American languages are an important part of our country's heritage and must be protected and preserved. My amendment ensures that these indigenous languages will not be affected by this legislation.

Mr. Chairman, I would like to thank the chairman of the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the Workforce, my friend, the gentleman from California (Mr. RIGGS), for his support of my amendment. As vice chair of the Native American Caucus, I know he is deeply concerned about Native American issues.

Mrs. MINK of Hawaii. Mr. Chairman, will the gentleman yield?

Mr. HAYWORTH. I yield to the gentlewoman from Hawaii.

Mrs. MINK of Hawaii. Mr. Chairman. I thank the gentleman for yielding. I have a very great concern about the whole area of native languages, and I commend the gentleman for offering this amendment.

We have immersion programs where young children are encouraged to use the Native American language, which in our case is Native Hawaiians. We have special provisions in this legislation that have an acceptance of our unique situation, both Native Hawaiian and Native Alaskans. But I am also advised by counsel that that notwithstanding these special provisions that have been included for Native Hawaiians and Native Alaskans, that we are bound under the 2-year limit, which would completely nullify the whole idea which we are starting in Hawaii, which is to have an immersion program which permits, or encourages the revitalization of our native culture through language.

So I have a question to ask the chairman of the subcommittee as to whether the interpretation of the amendment offered by the gentleman from Arizona would mean that the 2-year limit would not apply to the Native American concerns that the offeror of the amendment has just suggested. Because that would be key to the continuance of our program and extremely vital to the survival of this whole idea of a Native American language preservation concept which we have adopted.

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

Mr. HAYWORTH. I yield to the gentleman from California.

Mr. RIGGS. Mr. Chairman, I thank the gentleman from Arizona for yielding and also rise in support of his amendment.

With respect to the gentlewoman's inquiry, first of all, the funding limitation again is 3 years, not 2 years; 2 years is the goal, 3 years is the funding level.

Mrs. MINK of Hawaii. The length of time a child could be in a program is a 2-year limit under the gentleman's bill.

Mr. RIGGS. No, it is actually 3 years, the funding limitation. And I attempted to clarify that earlier and will be happy to refer the gentlewoman to that provision of the bill.

That said, I think the gentleman's amendment is extremely straightforward. It is very short: "Nothing in this act shall be construed to limit the preservation or use of Native American languages as defined in the Native American Languages Act or the Alaskan Native Languages," which I understand may also address the concern of our colleague, the gentleman from Alaska (Mr. YOUNG).

And it was never the intent of this legislation to prevent the preservation or use of the Alaska Native or Native American languages. It is the intent of the legislation to ensure individuals living in the United States have a fluid command of the English language so that they may do well in school and in later adult life. And I know the gentlewoman supports that goal.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, pursuant to the rule, I offer amendment No. 6.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SMITH of Michigan:

Page 13, after line 18, insert the following:

"(E) Providing family literacy services to English language learners and immigrant children and youth and their families to improve their English language skills and assist parents in helping their children to improve their academic performance.

Page 13, line 19, strike "(E)" and insert "(F)".

Page 25, after line 21, insert the following (and redesignate any subsequent paragraphs accordingly):

"(4) FAMILY LITERACY SERVICES.—The term 'family literacy services' means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing welfare dependency) and that integrate all of the following activities:

"(A) Interactive literacy activities between parents and their children.

"(B) Equipping parents to partner with their children in learning.

"(C) Parent literacy training, including training that contributes to economic self-sufficiency.

"(D) Appropriate instruction for children of parents receiving parent literacy services."

Mr. SMITH of Michigan. Mr. Chairman, the amendment I am offering today would allow funds under this act to be used for family literacy services. The objective is to provide more cooperation and partnership between parent and child.

In other programs, such as the Bilingual Education Act, funds are permitted to be used for both the children and their parents. I believe H.R. 3892 will be even more effective in helping our Nation's English language learners if we allow local communities to use these funds for family literacy services. Oftentimes, both English language learners and their parents are in need of assistance in obtaining the English language skills they need for success. Family literacy programs have already provided successful results with immigrant populations and their families of limited English proficiency.

While in Michigan, in the Michigan Senate in the 1980's, I started a program called Home Instruction Program for Preschool Youth. That program worked with parents and helped them work with their children for at-risk families. The results of that program were exceptionally encouraging because not only were the youth, when they went to school, much more successful compared to a test group of those students that had not had those services, but the parents themselves increased their reading proficiency by 200 and 300 percent and went on to finish school.

Over the years, we have accumulated a great deal of evidence that working with children and their parents at the same time is a highly successful method of helping families improve their skills. Now, at the same time, these programs provide parents with the assistance they need to make sure that their child's success is going to be most successful because they are that child's most important teachers. These programs do empower parents.

In addition, family literacy programs provide parents and children with time to interact for the purpose of enhancing the child's learning and developing a relationship of reciprocal learning and teaching.

Mr. Chairman, my amendment also includes a definition of family literacy that is consistent with the recently passed Adult Education and Family Literacy Act, which was part of the Workforce Investment Act of 1998. If my colleagues will allow me to define the way I have defined family literacy in this act, (a) consistent with the Workforce Investment Act, it is that parents and children work together; (b) equipping parents to partner with their children in learning; (c) parent literacy training, including training that contributes to economic self-sufficiency; and (d) appropriate instruction for children of parents receiving parent literacy services.

Mr. Chairman, family literacy programs provide valuable literacy service to our Nation's families, and I encourage my colleagues to adopt this amendment and allow funds under this act to be used for these effective programs.

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

Mr. SMITH of Michigan. I yield to the gentleman from Missouri.

Mr. CLAY. I thank the gentleman for yielding, and I would like to inform him that we have no objections to the amendment on this side.

I would like to point out that, once again, here we are amending a bill that was hastily drafted, with no input, no bipartisan input whatsoever. Because all of this could have been corrected had we had an opportunity to give out views. We had a hearing on the bill, but the witnesses were eight-to-one picked by the gentleman's side, only one by our side, and then there was even no cooperation at the staff level.

So I think that we support what the gentleman is doing because it is present law. It was taken out by this bill.

Mr. SMITH of Michigan. Mr. Chairman, reclaiming my time, I appreciate the comments from the gentleman from Missouri, and if I can be a surrogate in helping him improve the bill, I am glad to do that.

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

Mr. SMITH of Michigan. I yield to the gentleman from California.

Mr. MARTINEZ. Mr. Chairman, I support the gentleman's amendment. I think it is a good one. But I want to clear something up, because several times it has been debated here, or one side suggested it is a 2-year limit and the other side suggested there is a 3-year. Let me say that it is a very confusing thing in the bill because in a State plan it is required for a grant.

Mr. GOODLING. Mr. Chairman, I rise in support of the amendment offered by Mr. SMITH. As the father of the Even Start Family Literacy Program, I know the power of family literacy programs.

It has been demonstrated over and over again that efforts to assist families with literacy problems are more successful when they work with children and their parents at the same time. Parents participate longer than they would in normal adult education classes and children receive the extra assistance they need to make sure they are ready to enter school or to overcome any difficulties they may currently be experiencing in school.

These programs have been proven to be effective in families where children and their parents are of limited English proficiency. In fact, many Even Start programs successfully work with immigrant families, migrant families, and other families of limited English proficiency.

I want to thank Congressman SMITH for his strong support of family literacy programs. His efforts to improve the quality of such programs in meeting the literacy needs of families should not go unnoticed.

I encourage my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. SMITH).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

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

Mr. Chairman, I rise in opposition to H.R. 3892. This bill represents bad education policy because it hurts limited-English-proficient students by placing an arbitrary time limit on services without regard to the individual needs of the student.

In addition to our discussions about the education policy involved, we should also discuss the bill's impact on fundamental civil rights protections for LEP students. This bill seeks to void all voluntary compliance agreements between the Federal Office for Civil Rights and the school districts that protect the meaningful access to effective education programs.

Now, let us remember that the Office for Civil Rights in the Department of Education is charged with the responsibility of ensuring that school districts provide LEP students with an equal educational opportunity in compliance with Title VI of the Civil Rights Act of 1964 and the U.S. Supreme Court's 1974 ruling in Lau v. Nichols.

Often, when a district is found to be in violation of the law, school districts and the Office of Civil Rights enter into compliance agreements. Those agreements reduce litigation expenses needed to ensure compliance with the law, and in addition, they ensure the schools will be protected from other lawsuits by parents, students and the Department of Justice.

□ 1630

They even protect the schools from additional administrative enforcement provisions by the Office of Civil Rights. But by seeking to void all 276 compliance agreements, we will leave school districts vulnerable to a barrage of lawsuits by private individuals and the Department of Justice and subject them to other means of enforcement actions by the Office of Civil Rights.

Perhaps what is most egregious about voiding the existing agreements is that we will be doing nothing, absolutely nothing, to address the underlying violations of the school districts affected.

Now, let us not pretend that those violations will simply disappear because we have eliminated the compliance agreement. OCR will still have the responsibility to ensure that those school districts are taking appropriate steps to be in compliance with the law.

Mr. Chairman, let me close by citing the bipartisan U.S. Civil Rights Commission in 1997, when they said that "The OCR's current policy does not disturb the traditional State and local autonomy and flexibility in fashioning education programs to assist students with limited English proficiency in addressing their language barriers. Schools remain free to choose between a wide variety of instructional methodologies and approaches, including bilingual education, English as a second language, and an array of other language assistance programs.

Overall, OCR has shown exemplary restraint in respecting State and local prerogatives in that it has not sought to place limits on State and local discretion by proposing requirements that in any way limit that discretion."

So, Mr. Chairman, this legislation represents not only poor education policy but also poor policy from a legal process perspective; and, therefore, I urge my colleagues to vote no on this legislation.

Mr. RIGGS. Mr. Chairman, I move to strike the last word. I will try to be as brief as possible.

I just, first of all, want to thank the gentleman from Virginia (Mr. SCOTT) for what I think is a good-faith decision on his part to raise this issue for debate but perhaps not to pursue an amendment.

We disagree on, if you will, the origin and the mechanism by which so many of these compliance agreements have come into being. We have heard testimony from a variety of people, including local school board members. We had a particular witness who was galvanized by the clash between the Federal Department of Education Office of Civil Rights in the Denver school district to ultimately run successfully for the local school board. She testified at our hearing.

But we heard from other witnesses as well, a long-time employee of the Office of Civil Rights, that they felt the Office of Civil Rights used coercive tactics to force local school districts into entering into these compliance agreements or else face the alternative of very costly, extensive, and time-consuming litigation.

As we have heard earlier today, during the period between 1975 and 1980, some 500-plus agreements were initiated by the Office of Civil Rights, and today there are 228 in force.

One of the main areas of contention here is that the internal guidelines that the Office of Civil Rights has used in extracting these agreements were developed internally by the Office of Civil Rights staff and have never been open to public comment or scrutiny. And we are proposing to do that now by requiring the department and the office to publish for comment new compliance agreement guidelines, or guidelines for compliance agreements.

There also is confusion because the Office of Civil Rights is currently using at least three internal enforcement memoranda that have never really been subject to proper public scrutiny or congressional oversight.

We feel that there is no basis for OCR's policy of pushing bilingual education as opposed to English as a second language or English immersion as a preferable method of bilingual instruction. The Lau v. Nichols decision in 1974, which the gentleman from Virginia (Mr. SCOTT) as a constitutional lawyer, an expert in this area, is very conversant with, is the basis of OCR's activities in this area.

But while that decision did require school systems enrolling native-language students or native-origin students who were deficient in English to take affirmative steps to open their instructional programs, it did not specify which instructional programs schools should use.

Instead, the Supreme Court deliberately left that up to State and local authorities, again consistent with the whole idea of State and local control in decision-making in public education.

The Lau remedies, as developed by the Office of Civil Rights, required schools to implement transitional bilingual education; and that has become the de facto compliance standard that is still in effect today.

Schools wanting to implement alternatives such as English language immersion are told that they are not acceptable unless they are equally effective as bilingual education. And, again, we think this is a form of coercing schools to accept transitional bilingual education unless they can prove that their preferred method is superior.

The Denver public schools I alluded to earlier refused to accept all of OCR's demands. And as a result, they have been referred to the Federal Department of Justice for litigation. The Department of Justice, on the referral from the Office of Civil Rights, is still pursuing litigation against the San Juan, Utah School District, primarily again because the department does not feel that that district offers the appropriate type of bilingual education.

So we think the OCR staff that negotiated these agreements lacked the proper educational expertise. This is a timely juncture to review these agreements. We need to start over. That is why we are suggesting with this legislation that we vacate the existing agreements and, as a result, we release schools from these compliance agreements and we empower them and provide them with true local control over the type of English language instruction program that they deem is the best and most appropriate for their students.

And I submit to my colleagues, because that is what this legislation all boils down to, we trust local schools

and we trust locally elected decision-makers to do what is right for the children of that community and to act in the best interest of those particular children.

So I appreciate, again, the gentleman from Virginia (Mr. SCOTT) deciding to hold off on his amendment. I hope we have now concluded just about all debate on this.

Mr. Chairman, bilingual education is hurting minority children, keeping them from learning English at an early age, and ultimately slowing their ability to assimilate into mainstream America.

The "English Language Fluency Act" proposes a number of innovative steps to help students with limited English skills attain early fluency. Its cornerstones, parental choice and flexibility for state and local policymakers, are designed so that children are taught English as soon as possible once they enter school. The act allows them to participate in English language instruction programs funded with federal dollars for three years.

As we end our debate on this important issue, I wanted to bring to your attention an important article from the Washington Times on bilingual education by Don Soifer of the Lexington Institute. The essay follows:

[From the Washington Times, July 1, 1998]

AN OBSTACLE TO LEARNING

(By Don Soifer)

Earlier this month, California voters soundly rejected bilingual education. Proposition 227, the "English for the Children Initiative," won widespread support among white and Hispanic voters despite being opposed by President Clinton, all four major candidates for governor, the state's large and powerful teachers' unions and the education bureaucracy. As a result, the state with 1.3 million students classified as "Limited English Proficient" will be teaching them almost entirely in English when the new school year starts this fall.

What impact does the California proposition's stunning victory hold for the rest of the country? California's massive and largely ineffectual bilingual establishment, born of a social experiment 30 years ago, is being dismantled virtually overnight, barring intervention from the courts. But what about the rest of the nation? Bilingual education programs can be found in all 50 states. It would be wrong to assume that the problems of such a widespread approach are limited to California, or the costs.

The Clinton administration sought $387 million in federal spending for bilingual education in its 1999 budget request, a drop in the bucket compared with the estimated $8 billion spent annually by state and local governments prior to the recent vote, according to Linda Chavez of the Center for Equal Opportunity.

But as vastly rooted as bilingual education has become in the nation's schools and with such a troubled record, its real costs are even greater. Children in bilingual programs generally learn English slower, later, and less effectively than their peers. The bilingual approach delays for years the time when students can graduate to "mainstream" classrooms. Many children are in bilingual programs for five to seven years and do not even learn to write English until the fourth or fifth grade.

Furthermore, an article in Education Week pointed out that a number of New York City students in bilingual classrooms actually scored lower on English-proficiency tests at the end of the school year than at the beginning.

Prominent economists Richard Vedder and Lowell Galloway of Ohio University recently studied the costs to the American economy resulting from poor English fluency among immigrants and estimated the costs of lost productivity to be approximately $80 billion annually. How could bilingual education have become so vast and yet so ineffective in the 30 years since its inception? The answer may reside in large part with the fact that those responsible for its administration have lost sight of its initial goals.

Rep. Claude Pepper, a sponsor of the 1967 Bilingual Education Opportunity Act, explained during the discussion on the bill that, "By about third grade, when concepts of reading and language have been firmly established, they (children) will begin the shift to broadened English usage."

The only reason children are segregated out of mainstream classrooms in the first place is because they lack the English skills they need. But much of the bilingual establishment has lost sight of this, often inventing their own goals. A 1995 report by the Office of Bilingual Education of the U.S. Department of Education advises teachers that "maintaining primary language proficiency is a key long-term goal."

The report adds, "To help students overcome the obstacles presented by an English-dominated educational system without losing the resource of fluency in a second language . . . Teachers must be able to recognize the cultural origins of their own behavior and to respond reflectively to students who might be acting under the influence of an alternative, culturally based expectation."

The current movement to end bilingual education began when Hispanic parents in Los Angeles began keeping their children at home in protest because they weren't learning English at school. Those parents and others are far less concerned about an "English-dominated educational system" than they are with simply having their children learn English. Spanish can often be maintained and spoken at home, making intensive English instruction in school that much more important.

Now California has shown the way to removing the obstacles of bilingual education. But for the rest of the country, as long as the diffuse and obscure goals of the education bureaucrats continue to take precedence over parents who just want their children to learn English in school, bilingual education will continue to stand in the way of progress.

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

I will not take the 5 minutes. I know we want to wrap this up. But I do want to make a couple of things clear. I wish that we would trust the locals enough to let them determine how long it would take for a young person to be able to master language sufficiently so that they could be academically qualified and learn the rest of their subjects while they are doing it.

But we are not trusting them to do that. We are saying that we know best, that they have got to do it within 2 years. That has been the question here that has come up time after time is whether it is 2 years or not.

But in section 7121, and that is what I want to clarify, in section 7121, the Formula Grants to States, where it outlines the authority for the grants, then subsequently in 1722, the Application by States, the applications they must make for the grants, it starts out and says, "For purposes of section 7121, an application submitted by a State for a grant under such subsection for a fiscal year is in accordance with this section, if the application," understand, "'if the application' contains all these things." And it goes down to (A) and (B) of paragraph 6, and here is what it says.

"Students enrolling in," understand this, that is in the application for the grant that the grant proposal must have this information, "students enrolling when they are in kindergarten are not mastering the English language by the end of the first grade; and other students are not mastering the English language after 2 academic years of enrollment." They would not receive funds. Because right before that, in section 6, it says the grant must contain an agreement that the State must "monitor the progress of the student enrolled in programs and activities receiving assistance under this chapter in attaining English proficiency and withdraw funding from such programs."

In other words, the State would withdraw funding from those programs, and those local school districts in those local communities would withdraw funding from such programs and activities where the students enrolling when they are in kindergarten are not mastering the English language by the end of the first grade; and other students not mastering the English language after the second academic year of enrollment.

Now, there becomes a conflict in the bill itself, because in the next section, in the Subgrants to Eligible Entities, it goes on to say, that, yes, in fact, they may. Down in the last paragraph on page (3) it says Maximum Enrollment Period. "An eligible entity may not use funds received from a State under this chapter to provide instruction or assistance to any individual who has been enrolled for a period exceeding 3 years in a program or activity undertaken by the eligible entity under this section."

Well, how do they get to the 3 years if they cut them off at 2 years prior to that by the previous section? And that is where the bone of contention comes in.

My contention is, if they were really interested in kids and how they benefit to the highest degree, they would say, we keep them in these programs as long as is necessary and do what it takes to get these kids up to speed with the rest of their classmates. We are not doing that.

Now, it earlier was said, the other side does not want reform, we want

status quo. I have for years wanted reform of the bilingual education program. And in the beginning, where the gentleman from California (Mr. RIGGS) did offer to talk about this and we agreed to disagree on this particular section, it was because it would be fruitless because of the notion that these should be grant programs to the State when right now the programs are receiving the monies directly from the Federal Government.

When the State gets the money, even with this hold-harmless act, we do not know if the same programs that are existing now are going to receive funds because that is up to the State, and the State, not the locals, but the State will determine whether or not those programs get those grants. Therein lies another fallacy in the bill, and that is why I oppose the bill and I urge my colleagues to vote against it.

AMENDMENT OFFERED BY MR. MARTINEZ TO AMENDMENT NO. 2 OFFERED BY MR. RIGGS

The CHAIRMAN (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MARTINEZ) to the amendment No. 2 offered by the gentleman from California (Mr. RIGGS), 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 CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair will reduce to a minimum of 5 minutes the period of time in which a vote by electronic device, if ordered, will be taken on the Riggs amendment, as amended or not by the Martinez amendment.

The vote was taken by electronic device, and there were—ayes 205, noes 208, not voting 21, as follows:

[Roll No. 422]

AYES—205

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

NOES—208

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

NOT VOTING—21

Archer
Barcia
Berry
Burr
Ehrlich
Furse
Gephardt
Gonzalez
Hunter
Johnson, E. B.
Kennelly
Largent
McGovern
Poshard
Pryce (OH)
Scarborough
Schumer
Tauzin
Towns
Wise
Young (AK)

□ 1705

The Clerk announced the following pair:

On this vote:

Mr. Berry for, with Mr. Scarborough against.

Messrs. BACHUS, KIM, BEREUTER, DAVIS of Virginia and Mrs. KELLY changed their vote from "aye" to "no."

Mrs. MCCARTHY of New York and Ms. MCKINNEY changed their vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. RIGGS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RIGGS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 184, not voting 20, as follows:

[Roll No. 423]

AYES—230

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes

Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—184

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

NOT VOTING—20

Barcia
Berry
Burr
Ehrlich
Etheridge
Furse
Gephardt
Gonzalez
Johnson, E. B.
Kennelly
Largent
McGovern
Poshard
Pryce (OH)
Scarborough
Schumer
Tauzin
Towns
Wise
Young (AK)

□ 1712

The Clerk announced the following pair:

On this vote:

Mr. Scarborough for, with Mr. Berry against.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments?

There being no other amendments, under the rule, the Committee rises.

□ 1715

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. LAHOOD, 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. 3892) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes, pursuant to House Resolution 516, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mrs. MINK of Hawaii. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 189, not voting 24, as follows:

[Roll No. 424]

AYES—221

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
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
John
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Northup
Norwood
Oxley
Packard
Pappas
Parker
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—189

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
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
Crapo
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gilman
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McHale
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Redmond
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn
Yates

NOT VOTING—24

Barcia
Berry
Burr
Davis (VA)
Ehrlich
Etheridge
Furse
Gephardt
Gonzalez
Johnson, E.B.
Kaptur
Kennelly
McCrery
McGovern
Nussle
Poshard
Pryce (OH)
Scarborough
Schumer
Smith (TX)
Tauzin
Towns
Wise
Young (AK)

□ 1731

The Clerk announced the following pairs:

On this vote:

Mr. Scarborough for, with Mr. Berry against.

Mr. Ehrlich for, with Mr. McGovern against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, due to official business in the 30th Congressional District, I was unable to record my vote on H.R. 3892, the English Language Fluency Act. Had I been present, I would have voted "nay" on final passage on this measure. In addition, I would have voted "nay" on both the Martinez and Riggs Amendments to H.R. 3892.

PERSONAL EXPLANATION

Mr. ETHERIDGE. Mr. Speaker, during today's proceedings, I was inadvertently absent from the Chamber during two votes. Had I been present, I would have voted "No" on both Rollcall votes 423 and 424.

COMMUNICATION FROM THE HONORABLE TED STRICKLAND, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from the Honorable TED STRICKLAND, Member of Congress:

AUGUST 6, 1998.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the United States District Court for the Southern District of Ohio.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

TED STRICKLAND,
Member of Congress.

COMMUNICATION FROM STAFF MEMBER OF HONORABLE JOHN E. PETERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Shannon Jones, staff member of the Honorable JOHN E. PETERSON, Member of Congress:

AUGUST 12, 1998.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena for testimony and documents issued by the Centre County Court, Commonwealth of Pennsylvania, in the case of *Commonwealth of Pennsylvania* v. *Barger*.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SHANNON JONES.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3892, ENGLISH LANGUAGE FLUENCY ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 3892, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3892, the bill just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3396

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 3396.

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

There was no objection.

COMMUNICATION FROM STAFF MEMBER OF HON. JOHN E. PETERSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Susan Gurekovich, staff member of the Honorable JOHN E. PETERSON, Member of Congress:

AUGUST 12, 1998.

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

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena for testimony and documents issued by the Centre County Court, Commonwealth of Pennsylvania, in the case of Commonwealth of Pennsylvania v. Barger.

After consultation with the Office of General Counsel, I have determined that the subpoena relates to my official duties, and that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SUSAN GUREKOVICH.

COMMUNICATION FROM STAFF MEMBER OF HON. FRANK D. RIGGS, MEMBER OF CONGRESS

The Speaker pro tempore laid before the House the following communication from Rhonnda Pellegrini, staff member of the Honorable FRANK D. RIGGS, Member of Congress:

AUGUST 17, 1998.

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

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule L (50) of the Rules of the House of Representatives, that I have been served with a subpoena ad testificandum issued by the United States

District Court for the Northern District of California in the case of Headwaters v. County of Humboldt, No. C-97-3989-VRW.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House and, therefore, that I should comply with the subpoena.

Sincerely,

RHONNDA PELLEGRINI.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. MINGE. Mr. Speaker, I ask unanimous consent that I be allowed to speak in the time of the gentleman from Michigan (Mr. CONYERS).

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

There was no objection.

WHERE IS THE BUDGET?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. MINGE) is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, it is now September 10, and we still do not have a budget resolution which is available to guide this body or Congress in the allocation of our Nation's resources. That budget resolution was due April 15. We are now approaching 5 months, 5 months overdue, and the question is how can we responsibly make decisions in the appropriations process? How can we plan to use what might possibly be a surplus, even if we back out what we are borrowing from the Social Security trust fund here in this 1997-1998 fiscal year and the next fiscal year? How can we responsibly determine what our Nation's priorities are when we are proceeding on an ad hoc basis?

Mr. Speaker, we have proceeded under the Budget Act for many years, and to the best of my knowledge this is the first time. Mr. Speaker, the question is how can we responsibly proceed when we are almost 5 months past the due date for a budget resolution?

I think that this is a tragic situation. It is a situation that cries out for action. It cries out for leadership.

Several of us have been active in what is known as the Blue Dog Coalition. We introduced a budget. We attempted to have that budget made in order so that it could be debated on this floor so that we could vote on this budget. We were denied that opportunity.

We were told that there was a good budget that was coming to the floor. Vote for the good budget. Where is the good budget? It is like where is the beef?

We do not have a conference committee that is appointed that is proceeding to reconcile House and Senate budgets. Instead, we are just sort of free-lancing. The House does a budget resolution, the Senate does a budget resolution, but never the twain shall meet.

Mr. Speaker, I urge that the leadership, both in this body and the body at the other end of the building, promptly act to have a conference committee empaneled and direct that conference committee to reconcile the differences between the House and the Senate budget resolutions so that we indeed do have a road map, so that we are acting responsibly.

Mr. Speaker, I urge at the same time that we recognize that we have a number one duty and obligation to not just the seniors in this country, but to children, to grandchildren, to plan for how we responsibly adjust the Social Security program so it is financially secure for the indefinite future.

We cannot do that unless we have a responsible budget resolution that is in place that recognizes the primacy of our obligation to make this Social Security trust fund one that is both inviolate and one that is secure and financially stable.

We are being tempted weekly, if not daily, with appropriations bills that can do all types of wonderful things for many important causes, individuals, communities across our country. We are deeming that the 1997 budget levels and 1998 budget levels are appropriate for 1999. This may be a way to finesse the question of how we deal with the budget, but it is not a responsible way to deal with the budget.

I know that if this were 5 years ago and my friends on the other side of the aisle were faced with this condition where the leadership on this side of the aisle had not brought a budget resolution home, they would rightfully criticize us for being irresponsible in that respect. I think that we should have a parallel recognition of the responsibility of our leadership in this body to forthrightly make sure that we have a budget resolution and, hopefully, if we do that we can avoid some of the turmoil that could well occur at the end of this month without the guidance of a budget resolution and the prospect of continuing resolutions, vetoes of appropriations bills, and worst of all, a shutdown of the Federal Government.

We cannot afford that. I urge that a budget resolution be forthwith considered on the floor of this House that has been approved by a conference committee.

□ 1745

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 218

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of H.R. 218.

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

There was no objection.

WORLDWIDE FINANCIAL CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the largest of all bubbles is now bursting. This is a worldwide phenomenon starting originally in Japan 9 years ago, spreading to East Asia last year, and now significantly affecting U.S. markets.

All financial bubbles are currency driven. When central banks generously create credit out of thin air speculation, debt, and malinvestment result. Early on the stimulative effect is welcomed and applauded as the boom part of the cycle progresses. But illusions of wealth brought about by artificial wealth creation end when the predictable correction arrives. Then we see the panic and disappointment as wealth is wiped off the books.

These events only occur when governments and central banks are given arbitrary authority to create money and credit out of thin air. Paper money systems are notoriously unstable; and the longer they last, the more vulnerable they are to sudden and sharp downturns.

All countries of the world have participated in this massive inflationary bubble with the dollar leading the way. Being a political and economic powerhouse, U.S. policy and the dollar has had a major influence throughout the world and, in many ways, has been the engine of inflation driving world financial markets for years.

But economic law dictates that adjustments will be made for all the bad investment decisions based on erroneous information about interest rates, the money supply, and savings.

The current system eventually promotes overcapacity and debt that cannot be sustained. The result is a slump, a recession, or even a depression. When the government makes an effort to prevent a swift, sharp correction, the agony of liquidation is prolonged and deepened. This is what is happening in Japan and other Asian countries today. We made the same mistake in the 1930s.

A crisis brought on by monetary inflation cannot be aborted by more monetary inflation or the IMF bailouts favored by the American taxpayer. It may at times delay the inevitable, but eventually, the market will demand

liquidation of the malinvestment, excessive debt, and correction of speculative high prices as we have seen in the financial markets.

All this could have been prevented by a sound monetary system, one without a central bank that has monopoly power over money and credit and pursues central economic planning. My concern is profound. The retirement and savings of millions of Americans are jeopardized. Economic growth could be reversed sharply and quickly as it already has in the Asian countries. Budget numbers will need to be sharply revised.

The Federal Reserve hints at lower interest rates which means more easy credit. This may be construed as a positive for the market, but it only perpetuates a flawed monetary system.

Protecting the dollar is our job here in the Congress, and we are not paying much attention. Although turmoil elsewhere in the world has given a recent boost to the dollar, signs are appearing that the dollar, unbacked by anything of real value, is vulnerable. Setting a standard for the dollar with real value behind it can restore trust to the system and will become crucial in solving our problems, soon to become more apparent.

The sooner we understand the nature of the problem and start serious discussions on how to restore soundness to our money the sooner we can secure the savings, investments, and retirements of all Americans.

FARM CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma (Mr. LUCAS) is recognized for 5 minutes.

Mr. LUCAS of Oklahoma. Mr. Speaker, in the next several weeks, we in this body will consider the fate of our Nation's President. This undertaking will be balanced with our continued efforts to do the people's business on this floor. It is imperative that we do not lose site of this as we enter the waning days of the 105th Congress.

I have come to the floor this evening, not to discuss the White House crisis, but to discuss the agricultural crisis plaguing rural America. Today will be the first of a series of floor appearances that I plan on making to try and educate my colleagues on the severity of the crisis now facing our Nation's producers.

As a cow/calf operator from western Oklahoma, I can tell you firsthand that the crisis in the country is real. Our producers are plagued by weak grain prices, drought, bugs, wildfire, and dwindling forage and hay supplies. Good farmers, good farmers are losing equity and millions of dollars are being lost to our economy.

The 1996 Farm Bill was a bold step. In farmer's terms, it can be likened to the purchase of a new farm truck. We expect it to be reliable and dependable. It should have all of the tools to get us through the harvest, and it must be flexible enough to allow us to use our ingenuity to conquer unexpected tasks.

In these trying times, I believe it is time to assess whether the farm bill is running right. There are those who would advocate trading the whole thing in for an older model that did not run all that well in the years gone by. I do not think this is the proper route to take. We must diagnose the problem and fine tune the farm bill to make it better.

In mid July, the presidents of Oklahoma's major farm groups came to Washington to ask our delegation to come up with short-term and long-term steps to help producers.

I asked this group what the number one need was for Oklahoma producers. The number one answer was a quick infusion of cash in producers' hands to help them put in a crop this fall.

In response, we passed legislation to speed up the disbursement of $5.5 billion in 1999 market transition payments. This is a good but limited step that must be built upon.

Mr. Speaker, the farmers of this country have been hit by what could be likened to the 7 plagues of Egypt: drought, bugs, fire disease, the Asian financial crisis, and low prices. Any one of these is bad, and right now we are being hit by all seven.

Over the next several weeks, it is imperative that we in Congress work with the USDA to develop a package of relief for our Nation's producers.

This is a must pass issue. We cannot close this session of Congress without responding in some fashion.

AMERICAN PEOPLE ON THE SIDE OF FREEDOM AND DEMOCRACY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, the crisis that we are now facing here in the Nation's Capital is unfortunately obstructing the view of a historic struggle that is now going on in southeast Asia and China.

So I believed tonight to be the night that I should, instead of getting up and talking about some of the problems and some of the crises and challenges we face here, point to this historic event that is taking place in Southeast Asia so people will understand that, yes, the forces of democracy are on the move, and there are positive things happening around the world as well as some things that may cause us great concern.

Asia is at a turning point. Asia will have tyranny and deprivation in the long run, or it will have democracy and free markets. The people in various countries in Southeast Asia and also in China understand that they are at this turning point, and the choices that are being made today will impact on their countries and on this planet for decades to come.

We can be grateful here in the United States that what we believe in, a democratic government, free enterprise, individual rights, are the type of ideals that are inspiring young people and are inspiring those folks who would change their systems in Southeast Asia.

Although those folks are up against some incredible odds, people in various countries are showing admirable courage as we speak and as we meet. They are confronting dictatorship and cronyism in their countries and putting their lives on the line by doing it.

In Indonesia, for example, young people are still in the streets, still facing off with the power structure. And Soeharto himself, the dictator, at long last may be gone, a man whose family looted that country of tens of billions of dollars, he may be gone, but his power structure remains, and the young people of that country are trying to eliminate cronyism and establish democracy for that country.

In Cambodia, ordinary people, street vendors, taxi cab drivers, Buddhist monks, people of every stripe and from every walk of life are joining together to sit in front of the American embassy and also in the town square, reminiscent of what happened in the Philippines under Marcos, and telling the dictator Hun Sen, a man who was a trigger man for Pol Pot that he will not rob them of their free elections.

This confrontation in Cambodia should have the attention of every freedom-loving person in the world, especially here in the United States. The United States stands with the people who are struggling for democracy in Cambodia, and they should understand that we are on the side of the people, democracy, and free enterprise, and we are opposed to Hun Sen and crooked elections and the use of force and violence.

These young people in Cambodia are admirable. These Buddhist monks are people who deserve our admiration and deserve our applause.

Similarly, in Burma, Aung San Suu Kyi and her democratic movement is at long last standing up to the SLORC dictatorship.

Both in Cambodia and in Burma, those ruthless gangsters who run those countries who are tied in with drug lords and have made international deals with the Communist Chinese should understand that, if they commit murders in order to maintain their power, if Aung San Suu Kyi is hurt or hundreds of people are murdered in Cambodia, those individuals in those governments, like Mr. Hun Sen and the military leaders in Burma, will be held accountable, and they will be treated

as war criminals in the United States and the other democracies.

Because the struggle for freedom in Southeast Asia is reaching a crescendo, the Burmese people could free themselves. The people of Cambodia, if they remain courageous, could free themselves from Hun Sen and his dictatorship and his iron-fisted rule.

The United States, those of us in Congress, while we are going through our own crisis at home, have not lost site of our ideals. And as we speak, we should send a message to the people in Southeast Asia struggling for freedom and the people in China struggling for freedom we are on their side. Have courage. The American people will not let you down. We are on the side of freedom and democracy and opposed to dictatorship just like you.

QUALIFICATIONS FOR SITTING IN JUDGMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. RIGGS) is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I take the floor tonight because I think it is very important that a Member of this body speak out with respect to some of the inferences or suggestions that have been made that are in a way somewhat related, although I would suggest very immaterial and extraneous, to the allegations that have been made against the President.

I do not think that any Member of Congress could possibly relish the tremendous responsibility of potentially sitting in judgment on the President of the United States, but it appears in the coming days, the coming weeks, the coming months that will be the case with this Congress and potentially the next Congress.

As each of us struggles to uphold our constitutional responsibility to define what constitutes a high crime and misdemeanor and to decide whether or not the material, the evidence amassed in the independent counsel's report to the House which presumably will be made public tomorrow, constitutes impeachable offenses.

□ 1800

But the reason I wanted to stand up and speak tonight on this particular issue is because I noticed, I have noticed in recent days, and with increasing concern, that there are Members of this body that would endeavor to lower the very solemn and dignified tone that I think is necessary to have a debate on these momentous issues by inferring that "everyone does it".

Everyone does not do it. I am here tonight to flatly say that most Members of Congress take very seriously the responsibilities of their office, and are honorable, decent men and women who also take very seriously their marital vows.

What caught my eye was a remark made by Tim Russert, the Washington Bureau Chief for the NBC News Network, when he said, a lot of Congress people I have talked to over the last few days are talking about the MAD doctrine, M-A-D doctrine, mutual assured destruction, and they do not want any part of this.

Now, Mr. Russert goes on to quote the gentleman from Michigan (Mr. JOHN CONYERS), the ranking member of the Committee on the Judiciary and the principal member of the minority party who will be involved in the deliberations at the committee level over the independent counsel's report. Tim Russert quotes the gentleman from Michigan as saying, in effect, that if every Member who has lied about his or her sex life had to recuse themselves from voting on the President, they would not have a quorum.

Well, I think that completely misses the point. This is not just about sex or a sexual relationship, it is all about potential, and I underscore potential, perjury and obstruction of justice. It is about 7 months of concealing the truth from prosecutors and the American people.

But I take real offense at the suggestion implicit in the statement of the gentleman from Michigan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT). The Chair would advise the gentleman from California (Mr. RIGGS) that he should not allude to charges against the President.

Mr. RIGGS. I will do that.

As I was saying, though, I think someone has to challenge the statement of the gentleman from Michigan (Mr. CONYERS). Everyone does not do it. And for him to suggest that, I believe, is degrading and insulting.

And the point, again, that I wanted to make here on the floor tonight is that most of us recognize that we have to be exemplary in our personal lives; that our personal lives are, to a very large extent, simply an extension of our public lives and the public offices that we hold. We realize that we are in the public eye, that we are highly visible, and that we have to, to the extent humanly possible, by our every word and action, try to uphold the trust that has been placed in us. We realize that the office that we hold carries with it a very special responsibility to be a role model and to be a moral exemplar for the people of our country, our constituents, and especially our children.

So, again, I simply wanted to take the floor tonight to encourage my colleagues not to make suggestions that "everyone does it," and to remind Members, as well as our constituents, that most Members of Congress, again, take very seriously the responsibilities of their office and seek at all times to honor their marital vows as well.

JOB CORPS: ONE OF THE MOST WASTEFUL, LEAST EFFECTIVE PROGRAMS IN FEDERAL GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, in a few days we will be asked to vote for the annual Labor-HHS appropriations bill. I have voted for this bill every year because it contains some very good programs. However, one of its programs has become one of the most wasteful and inefficient in the entire Federal Government and should either do much, much better or be abolished. Yet this agency, because on the surface it appears to be one for young people, seems to believe it should be immune from criticism and simply get one increase after another.

I am speaking of the Job Corps. Today, it costs over $26,000 per year per Job Corps student, according to the GAO. We could give each Job Corps student an allowance of $1,000 a month, send them to some expensive private school and still save money. If we did, these young people would probably think they had gone to heaven or hit some type of lottery. These Job Corps students would probably be shocked if we told them we were spending $26,000 per year on them, because the people who get the big bucks out of this are the fat cat contractors and the bureaucrats who run the program.

Programs like the Job Corps are really, in the end, harmful to young people, because they just take more money from parents and children and give it instead to bureaucrats and contractors. And we are not talking about small change here. This year's proposed appropriation is $1.246 billion, an increase of $61 million over last year, $1.246 billion for one of the most wasteful, least effective programs in the entire Federal Government.

According to a 1995 GAO report, the Job Corps is the most expensive program that the Labor Department administers, spending on average four times as much per student as the JTPA. In fact, the Workforce and Career Development Act of 1996, which passed the House by a vote of 345 to 79, included report language calling for five Job Corps centers to be closed by September 30, 1997, and five more to be closed by September of 2000.

Yet the number of Job Corps centers has actually gone up since 1996 from 112 to 118. This is because the Federal bureaucracy really tries in every way possible to do what it wants regardless of what the majority of the Congress votes for. This might be all right if the Federal bureaucracy did not waste so much money, but the taxpayers are really being ripped off by many Federal programs and especially this wasteful Job Corps program.

The GAO reported in testimony before the Committee on Government Reform and Oversight this past July 29 that only 14 percent of program participants completed the requirements of their vocational training. An earlier report found that only 4 percent end up in jobs for which they were trained, unless one does, as the Job Corps has at times done, and grossly distorts and exaggerates the figures and counts as a success about any former student who has gotten any type of job.

The GAO found that the Department of Labor considered a student to have obtained a job which matched their training if a student was trained as a heavy equipment operator, but got a job as a ticket seller. The Department of Labor also considered it a match if a student was trained as an auto mechanic and obtained a job attaching wristbands to watches.

Mr. Speaker, the Job Corps itself admits that the average length of stay of a Job Corps student is only 6 months. Mark Wilson of the Heritage Foundation has pointed out that it costs more to send someone to the Job Corps for 1 year than to a regular public school for 4 years. It now costs more for a student to go to the Job Corps for 1 year than to go to Yale, Vanderbilt, Emory, and many other of the most expensive and finest colleges and universities in the Nation.

So I repeat, Mr. Speaker, $26,000 per year per Job Corps student is simply too much, especially since it is producing such extremely poor results. As I said a moment ago, we could give each Job Corps student a $1,000 a month allowance, send them to some expensive private school, and still save money, and these students would just not believe it. And yet we are giving this money to fat cat government contractors and bureaucrats, who are the real beneficiaries of this program.

We should really do something good for the students and the young people of this country by doing away with the Job Corps program or cutting back drastically on it. And yet, because there are 118 Job Corps centers around the country, I know that that cannot be done unless we start the education process and let people know how poor and wasteful this program really is. I hope we can at least start the process of doing that tonight.

LOW PRICES ARE WRECKING AGRICULTURAL ECONOMY IN OUR COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, this evening I would like to just very briefly discuss with fellow Members some of the things I discovered while traveling in my State of South Dakota over the August recess. It seemed like every place I went in the State, whether it was in the southeastern corner, where we grow corn and soybeans; or whether it was in the wheat producing section, the middle of our State; or whether it was in the ranching area, in western South Dakota, from which I come, the message was the same over and over and over: Low prices are wrecking the agricultural economy in our State and across this country.

It did not matter where I went or what the subject was. We had meetings on Social Security, we had meetings on other subjects through the August recess, but the focus shifted back to the same subject, and that is that low prices are strangling our agricultural producers in South Dakota.

We do have an economic disaster in our State. When we look at where prices are today versus where they have been, the prices are at the lowest levels that we have seen, historically low levels both when it comes to grains and livestock. Fat cattle trading below $60 a head, or a hundredweight, and hogs trading down in the quarter range per pound.

So we have got just a tremendous problem out there, and it has been complicated this year by a number of factors. And, frankly, I do not think anybody knows that there is a silver bullet that will be one solution that will solve this problem. There are a number of things. We have had a collapse in Asia, the economy there. We have economic problems around the world, from South Korea, to Indonesia, to Thailand, to Malaysia, and that continues to dampen the demand for our agricultural products. And those are some of our biggest trading partners.

Those are things we do not have a lot of control over. To the degree we do, we need to address it by bringing on additional funding for the International Monetary Fund so that we can help stabilize those parts of the world that serve as the biggest customers, the biggest markets for agricultural products.

The other thing we heard over and over and over again is that our people are frustrated. They are disgusted by the fact that we are seeing these trade agreements trampled on that we have agreed to, the issue with Canada in particular and the dumping of wheat. We have seen the laundering of cattle coming in from Australia through Mexico and into our country, and producers are frustrated that the trade agreements that are there, the sanctions that are there, the remedies that are there are not being utilized by our government. I think we have a responsibility to address this.

As a matter of fact, there is a group that has been formed out there called the R-CALF group, which is a group of ranchers who have decided to take matters into their own hands, and they are going to bring legal action against the International Trade Commission because they do not believe it is doing their job. And I happen to agree with them.

I read in the Wall Street Journal the other day a story about how we are imposing penalties, sanctions, in effect, on Italy because they are dumping wire rods in America. And we have something that is fundamental to the existence of our country, and that is the food that we produce, and we have Canadian cattle coming in across the border and also coming in through Mexico that are being transshipped or laundered across the border, and it is not being addressed. And they are saying that the frustration they are experiencing is causing them to take matters into their own hands.

I think we have a responsibility as a government to sit down in an honest way and challenge and engage these countries in border-to-border discussions to figure out what to do. Our governor, starting Monday, is going to start stopping Canadian trucks at the border of South Dakota to inspect them. That is what we have had to do. We have forced the States to take matters into their own hands.

So I believe this Congress, before we go home this year, as we look at how we can address the problems of agriculture, needs to get its arms around this issue, needs to address some of the concentration issues, the vertical integration that we are seeing in agriculture that really is taking the lifeblood right out of our small producers.

I also believe that our producers, in visiting with them, are hard-working people. They are people who have a history, a tradition, of the family farm. They have been close to the ground. They have a great work ethic. And they can compete with anybody in the world. We have the best technology. We have the finest farming techniques. But what they cannot compete with is the German taxpayer, the French taxpayer or the British taxpayer. We have countries that continue to subsidize their farm economies, and we do not have a level playing field.

This Congress and our government have a responsibility, I believe, to ensure that our producers, those people who are producing food and fiber for this country, can continue to make a living until we do what we need to do, and that is tear down those barriers around the world that are causing our producers to be on an unlevel playing field and putting them at a distinct disadvantage, on a level they will never be able to compete.

This is a crisis. It is a very, very serious crisis. And we do not have to go far in agricultural country around the various States, and it is not just my State of South Dakota, we are hearing it all over, in Kansas and Oklahoma and others have been on the floor today discussing that. But if our producers are

going to be able to make a living and to do what they do best, and that is produce the food that feeds our country, that feeds the world, we have to allow them to do it on a level playing field.

We are going to have a meeting tomorrow in the House Committee on Agriculture to discuss what we can do to respond, but one thing is clear, and that is before we adjourn this Congress, we need to respond to the crisis that is out there in a way that will allow our farmers and ranchers to get their legs under them and get back on their feet and make it through this year and on to a better year. And we need to do the job that we have to do, and that is to continue to expand exports and improve trade so they can compete on a level playing field.

□ 1815

VETERANS OF FOREIGN WARS NATIONAL YOUTH ESSAY COMPETITION

The SPEAKER pro tempore (Mr. BLUNT). Under a previous order of the House, the gentleman from New Mexico (Mr. REDMOND) is recognized for 5 minutes.

Mr. REDMOND. Mr. Speaker, I would like to take this time to read the winning essay in the Veterans of Foreign Wars National Youth Essay Competition. It was written by Heather Hull of Los Alamos, New Mexico.

Heather writes about patriotism, and she says:

Patriotism, to me, is the spirit and soul of a country. It is what keeps a country together not only through war and hardships, but also through victory and triumph. What else could keep a soldier from losing hope in battle, a disheartened country from losing the burning desire to rebuild itself, a nation of divided citizens from dueling each other?

It is patriotism that keeps our love of freedom alive. It is not money or wealth; it is not social acceptance. It is the pure goodwill of every true American that keeps our Nation's dream alive.

Every day we show our patriotism in large and small ways: by proudly saluting the flag, by saying the Pledge of Allegiance, by celebrating the Fourth of July with its bursts of fireworks. Americans show their patriotism when soldiers give their lives serving our country and when citizens cast a vote in support of a candidate whose ideals represent their own.

Behind our many freedoms, including the freedoms of speech and religion, stand all the men and women who, through dedication to their dreams and perseverance, through their struggles, have made so many opportunities ours. Although we may only recognize their sacrifices and suffering on certain holidays such as Memorial Day and Veterans Day, their legacy is all around us every day. In every military cemetery, the gravestones there represent hundreds of other patriots who have served our country and who continue to do so.

To me, patriotism is a kind of heroism. When I saw my face reflected in the shiny granite of the Vietnam Veterans Memorial, The Wall, in Washington D.C., I was reminded of the valor of those whose names are etched there and of the courage of their loved ones.

We Americans have always shown patriotism by honoring our values and by envisioning freedoms for all. To me, patriotism is the optimistic spirit and the deep-rooted soul of our country, the United States of America.

I would like to thank Heather Hull of Los Alamos, New Mexico, for allowing me the honor of reading her essay on patriotism in this time of need for our Nation. Thank you, Heather.

SEEKING SOLUTIONS ON BEHALF OF AMERICAN AGRICULTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I am pleased to join the gentleman from South Dakota and the gentleman from Oklahoma to talk about what we heard in the farm belt during our August recess.

I used the 4 weeks of August and early September to travel the 66 counties of the First District of Kansas, holding 66 town hall meetings; and at every stop, the primary concern of the folks who came to see their Congressman was the price of farm commodities, the price of oil and gas. Everything that we produce and raise in our State has depressed prices; it has significant impact upon the people of our State, the people of this region, and now the people of the country.

The stories were sad. I can remember the past president of the State Future Farmers of America who has had every intention of returning to the family farm, but now cannot see how that can be done with the current state of agricultural economics. We need that next generation to be able to afford the ability to return to the family farm and to provide food and fiber to this country.

I can envision at the other end the senior citizen, the senior farmer, the wife, the spouse who comes with tears and a choked voice to say, "Congressman, what can my husband and I do to keep our family farm? We have fought this fight for over 30 years and we cannot afford to do so any longer."

And I think it is accurate to say that many farmers who have fought the fight in the past will decide that they no longer can afford to do so, and as a result, we will see more farms on the market, we will see larger farms, we will see fewer family farms, and we will see great difficulties in rural communities across the State of Kansas and across the country.

This has significant impact on not just farmers and ranchers, but on all Kansans and upon all Americans. In my State alone, revenue from the wheat crop and the tremendous harvest we have had 2 years in a row, this is not because of lack of production but this is because of a dramatic decline in the price of foreign commodities. In Kansas alone we see $750 million less in revenue to farmers as a result of the price of wheat, $190 million less in revenue to farmers in Kansas because of the reduction in the price of corn, a $290 million reduction in the State of Kansas to family farmers because of reduction in the grain sorghum price.

Soybeans reduce farm income another $250 million in the State of Kansas. And cattle revenues are down over $400 million this year alone.

And when we add that to the oil and gas economy of my State, another reduction of $260 million, we are talking about a reduction in farm and rural income of more than $2 billion in 1 year alone.

Mr. Speaker, these issues matter to the survival of not only the farmer but the small towns of the State of Kansas. It is a story to be told by the grocery store clerk, by the car dealer, by the implement dealer. All of us are impacted, and ultimately we pay a tremendous price as Americans in our food supplies.

So tonight I rise to ask for assistance from my urban colleagues, from my colleagues from other rural States, from Republicans and Democrats, to see if in the remaining days of the 1998 session of Congress, if we cannot come together to seek solutions, to preserve a way of life and to fight on behalf of the cattleman and the farmer across the United States.

Mr. Speaker, I appreciate the opportunity of raising this issue and joining my colleagues in seeking solutions on behalf of American agriculture.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4006

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent to have my name withdrawn as a cosponsor of H.R. 4006.

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

There was no objection.

FARM CRISIS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I want to speak also on this farm crisis.

I represent coastal Georgia, 18 southeast Georgia counties. But to the entire State of Georgia, the farm crisis has been devastating. The coastal area that I represent, Savannah, Brunswick, and Hinesville, often get hit by hurricanes. And when they get hit by hurricanes, it is easy to get FEMA, the Federal Emergency Management Association, to come in, or GEMA, the Georgia

Emergency Management Association, people to come in; because we have visual images, trees that have crashed through the roofs of houses, people who have lost their homes, businesses that are wiped out and then have power shortages for days at a time or refrigeration equipment that closes down and a product that goes rotten. They have boats that have been washed ashore and landed on Main Street.

We have that kind of visual image when a hurricane hits, and so it is a little bit easier to get help. People come in. They send ice. They send chain saws. They send bulldozers. They write checks. The Red Cross comes in, the Salvation Army.

We have been hit by such a crisis, but it is not quite as visible, and it is the farm crisis. We have lost $700 million in crop damage to the State of Georgia alone.

I believe, listening to colleagues from all over the country, Democrats and Republicans alike, that the damage nationally may be as high as $3-, $4-, $5-, potentially $6 billion. It is tremendous. What our farmers in southeast Georgia have told me in a series of farm meetings that I had over the last couple of weeks is that they need, right now, a lifeline. And they do not really want to see Congress get in a big debate about how the lifeline gets to them.

If they are a drowning man and somebody throws them an inner tube, a life preserver, a floating piece of log, anything to cling to is sufficient; and that is what they are. If the relief comes in crop insurance liberalization, if the relief comes in disaster loans, that is fine. Low-interest, no-interest loans, loans with little or flexible collateral; they need it and they need it now.

They need market relief of prices. Prices are lower now than they were 2 years ago. They are cyclical by nature, but they are worse than ever. It seems like their foreign counterparts are heavily subsidized, and they do not have to comply with the EPA standards that we make our farmers comply with in terms of fertilizer and pesticides and herbicides and so forth. And that is fine.

Our farmers are not bellyaching about complying with our environmental and regulatory and labor laws. But what they are saying is, their foreign competitors are not; and then on top of that, they are subsidized. It is very difficult for a Georgia farmer to produce oats to compete against imported oats. And we heard this message over and over again.

We on the Committee on Agriculture on the appropriations side and on the authorizing side, we are trying to work for solutions. We need the Secretary of Agriculture to submit his disaster plan so that we can immediately start working with the Senate and the House Members to try to do something for them.

Putting this in perspective, Mr. Speaker, imagine being a young farmer named Roy Collins. Roy is 35 years old. His farm was started by his grandfather, handed down to him from his mother and dad, and he has been a farmer now for 12 years. And at this point, if we cannot do something, he is wiped out. A third-generation family farmer will be gone forever. He will move off to Atlanta. He will sell real estate. He will go to work for a bank or something. We will lose his talent. We will lose his generation of farmers.

The average age of a farmer in Georgia right now is 56. We cannot afford to skip a generation of farming. It becomes at that point an issue of national security, not just making a good vocation for people. But America does not and should not be dependent on foreign producers for our food.

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

Mr. KINGSTON. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, I just wanted to indicate to the gentleman from Georgia (Mr. KINGSTON) that I have been listening to the very eloquent, I think "plea" is a fair word to say. In other words, that we are trying to get across what the difficulties are not only for the family farmer but for farming in general.

I simply want to say that I believe another speaker had said that there was an appeal being made to individuals who may represent urban areas to understand what the implications are.

AMERICAN FAMILY FARMERS

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

Mr. ABERCROMBIE. Mr. Speaker, I merely want to indicate that coming, as I do, from a State in which rural and urban constituencies meld into one another in ways that may not always be fully appreciated by the public at large, and representing the urban part of the State of Hawaii, I want to indicate that I am in full sympathy with that and want to express not only to the gentleman from Georgia (Mr. KINGSTON), but to all others who are finding themselves in this circumstance, that those of us who are working with sugar producers in the State of Hawaii fully understand what the implications are from foreign workers who are exploited and being utilized against American workers and against American growers, coming into the picture under adverse circumstances such as the gentleman has just outlined.

And I want to assure my colleague that those of us from urban areas who understand that this is a necessity for an integrated approach on behalf of Americans, both rural and urban, it being necessary not just for their survival, but for the prosperity of the country are in full sympathy with him and want to work with him on it.

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

Mr. ABERCROMBIE. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I want to say, from Georgia to Hawaii, we are happy to work for the American family farmer; and at this point, if we do not help them, we will not have a family farmer left.

□ 1830

So we are unified in party and geography on this.

MANAGED CARE REFORM

The SPEAKER pro tempore (Mr. BLUNT). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 15 minutes as the designee of the minority leader.

PARLIAMENTARY INQUIRY

Mr. PALLONE. Mr. Speaker, can I just clarify again, is that because it is understood that the other 45 minutes of the hour will be dedicated to the gentleman from Iowa (Mr. GANSKE)?

The SPEAKER pro tempore. That is the Chair's understanding.

Mr. PALLONE. Mr. Speaker, tonight I want to talk about the prospects of passing a managed care reform bill in the time Congress has left before it adjourns for the year in October. Last evening, I mentioned how over the August break I had many town meetings and outreach programs throughout my district and continually the issue of managed care reform was the number one concern that my constituents had.

I know, having talked to many of my colleagues since we returned this week, that many of them say the same thing; that this is the issue that the average American or that most Americans want this Congress to address before we adjourn in October. Although there is not much time left, I am hopeful that we can reach an agreement with our Republican colleagues and send the President a managed care reform bill that he can sign.

Now, we know that the full House took up the issue of managed care reform before the August recess and the Republican leadership's bill narrowly passed and the bipartisan Patients' Bill of Rights, which I support, unfortunately was narrowly defeated.

I want to stress again how important it is to pass the bipartisan Patients' Bill of Rights or at least something very much like it because of the valuable patient protections that are included therein, such as the return of medical decision-making to patients and health care professionals, not insurance company bureaucrats; access to specialists, including access to pediatrics specialists for children; coverage

for emergency room care; the right to talk freely with doctors and nurses about every medical option; an appeals process and real legal accountability for insurance company decisions and, finally, an end to financial incentives for doctors and nurses to limit the care that they provide.

If Congress is going to get a bill to the President that is like the Patients' Bill of Rights, then the Senate must act very swiftly. We passed the Republican leadership bill, which I think was a bad bill, in the House but now it is up to the Senate to pass a strong bill so that we can go to conference and get something to the President's desk that both Houses agree on. The House Republican bill, I would point out, is considerably different from the Senate Republican bill, for one thing, but more importantly both Republican bills fail to address a number of provisions that the President and congressional Democrats believe must be part of any managed care reform legislation.

Just as an example, both the House and Senate Republican bills let HMOs, not health professionals, define medical necessity. They both fail to guarantee access to specialists. They both fail to assure continuity of care and they both weaken the standards for emergency care which needs to be strengthened. Both Republican bills allow financial incentives to jeopardize patient care. They both fail to hold HMOs accountable when the decisions harm patients, and they both are loaded with poison pills. Issues such as medical malpractice reform, expanding medical savings accounts, expanding health insurance pools, whether or not we agree or disagree on these issues, they are just issues that are very controversial that are going to kill the legislation because they take away from the issue of managed care reform.

I just wanted to say this evening, because I want to yield some time to my colleague, the gentleman from Ohio (Mr. STRICKLAND), that the President has already said that he would veto the House bill if it was sent to him in its current form.

In a letter which I have here, and I would like to introduce into the RECORD dated September 1, that the President sent to Senate Majority Leader TRENT LOTT, he reiterates that he would veto a bill that does not address the serious flaws that I have just mentioned in these Republican bills.

The text of the letter is as follows:

[Transmitted from Moscow.]

THE WHITE HOUSE,
WASHINGTON, DC,
September 1, 1998.

Hon. TRENT LOTT,
Majority Leader, Senate,
Washington, DC.

DEAR SENATOR LOTT: Thank you for your letter regarding the patients' bill of rights. I am pleased to reiterate my commitment to working with you—and all Republicans and Democrats in the Congress—to pass long overdue legislation this year.

Since last November, I have called on the Congress to pass a strong, enforceable, and bipartisan patients' bill of rights. During this time, I signed an Executive Memorandum to ensure that the 85 million Americans in federal health plans receive the patient protections they need, and I have indicated my support for bipartisan legislation that would extend these protections to all Americans. With precious few weeks remaining before the Congress adjourns, we must work together to respond to the nation's call for us to improve the quality of health care American are receiving.

As I mentioned in my radio address this past Saturday, ensuring basic patient protections is not and should not be a political issue. I was therefore disappointed by the partisan manner in which the Senate Republican Leadership bill was developed. The lack of consultation with the White House or any Democrats during the drafting of your legislation contributed to its serious shortcomings and the fact it has failed to receive the support of either patients or doctors. The bill leaves millions of Americans without critical patient protections, contains provisions that are more rhetorical than substantive, completely omits patient protections that virtually every expert in the field believes are basic and essential, and includes "poison pill" provisions that have nothing to do with a patient's bill of rights. More specifically, the bill;

Does not cover all health plans and leaves more than 100 million Americans completely unprotected. The provisions in the Senate Republican Leadership bill apply only to self-insured plans. As a consequence, the bill leaves out more than 100 million Americans, including millions of workers in small businesses. This approach contrasts with the bipartisan Kassebaum-Kennedy insurance reform law, which provided a set of basic protections for all Americans.

Let HMOs, not health professionals, define medical necessity. The External appeals process provision in the Senate Republican Leadership bill makes the appeals process meaningless by allowing the HMOs themselves, rather than informed health professionals, to define what services are medically necessary. This loophole will make it very difficult for patients to prevail on appeals to get the treatment doctors believe they need.

Fails to guarantee direct access to specialists. The Senate Republican Leadership proposal fails to ensure that patients with serious health problems have direct access to the specialists they need. We believe that patients with conditions like cancer or heart disease should not be denied access to the doctors they need to treat their conditions.

Fails to protect patients from abrupt changes in care in the middle of treatment. The Senate Republican Leadership bill fails to assure continuity-of-care protections when an employer changes health plans. This deficiency means that, for example, pregnant women or individuals undergoing care for a chronic illness may have their care suddenly altered mid course, potentially causing serious health consequences.

Reverses course on emergency room protections. The Senate Republican Leadership bill backs away from the emergency room protections that Congress implemented in a bipartisan manner for Medicare and Medicaid beneficiaries in the Balanced Budget Act of 1997. The bill includes a watered-down provision that does not require health plans to cover patients who go to an emergency room outside their network and does not ensure coverage for any treatment beyond an initial screening. These provisions put patients at risk for the huge costs associated with critical emergency treatment.

Allows financial incentives to threaten critical patient care. The Senate Republican Leadership bill fails to prohibit secret financial incentives to providers. This would leave patients vulnerable to financial incentives that limit patient care.

Fails to hold health plans accountable when their actions cause patients serious harm. The proposed per-day penalties in the Senate Republican Leadership bill fail to hold health plans accountable when patients suffer serious harm or even death because of a plan's wrongful action. For example, if a health plan improperly denies a lifesaving cancer treatment to a child, it will incur a penalty only for the number of days it takes to reverse its decision; it will not have to pay the family for all the damages the family will suffer as the result of having a child with a now untreatable disease. And because the plan will not pay for all the harm it causes, it will have insufficient incentive to change its health care practices in the future.

Includes a "poison pill" provisions that have nothing to do with a patients' bill of rights. For example, expanding Medical Savings Accounts (MSAs) before studying the current demonstration is premature, at best, and could undermine an already unstable insurance market.

As I have said before, I would veto a bill that does not address these serious flaws. I could not sanction presenting a bill to the American people that is nothing more than an empty promise.

At the same time, as I have repeatedly made clear, I remain fully committed to working with you, as well as the Democratic Leadership, to pass a meaningful patients' bill of rights before the Congress adjourns. We can make progress in this area if, and only if, we work together to provide needed health care protections to ensure Americans have much needed confidence in their health care system.

Producing a patients' bill of rights that can attract bipartisan support and receive my signature will require a full and open debate on the Senate floor. There must be adequate time and a sufficient number of amendments to ensure that the bill gives patients the basic protections they need and deserve. I am confident that you and Senator Daschle can work out a process that accommodates the scheduling needs of the Senate and allows you to address fully the health care needs of the American public.

Last year, we worked together in a bipartisan manner to pass a balanced budget including historic Medicare reforms and the largest investment in children's health care since the enactment of Medicaid. This year, we have another opportunity to work together to improve health care for millions of Americans.

I urge you to make the patients' bill of rights the first order of business for the Senate. Further delay threatens the ability of the Congress to pass a bill that I can sign into law this year. I stand ready to work with you and Senator Daschle to ensure that patients—not politics—are our first priority.

Sincerely,

BILL CLINTON,
President.

He goes on to say, however, that as he has repeatedly made clear, he remains fully committed to working with the Republicans, as well as the democratic leadership, to pass a meaningful

Patients' Bill of Rights before Congress adjourns. What the President is saying, and I will say again, is that this issue should not be viewed as a partisan issue. That is why I was, and the President states that he was, disappointed by the partisan manner in which the Senate Republican and the House Republican leadership were developed.

We need to have bipartisan support. We cannot have that if the President and the House Democrats are not involved, if you will, in the final bill that goes to the President's desk.

I just want to say that probably the best way that we can illustrate why the flaws that the President and the Democrats have identified in the House and Senate Republican bills need to be addressed is through real life examples. One of the things that we have done many times on the floor of this House, over the last 6 months, is the Democrats and some of our Republican colleagues, like the gentleman from Iowa (Mr. GANSKE), who is going to speak after me tonight, we are yielding the time to him that the Democrats have because we know that he supports this bipartisan Patients' Bill of Rights. In fact, he is the chief sponsor of the bipartisan Patients' Bill of Rights.

The best way that we can illustrate the problems that we have now and how we can correct them with a good bill, like the Patients' Bill of Rights, is by giving some real life examples.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. STRICKLAND), who would like to give us some examples of the problems that we face. After that, we are going to have the gentleman from Iowa (Mr. GANSKE) go on and explain why we need real form.

Mr. STRICKLAND. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, it is true that patients in this country are being deprived of essential and necessary health care, oftentimes resulting in their death, because managed care companies are placing profits above the needs of patients. I would like to share with my colleagues two stories, two real-life stories from my district. One involved a long-time friend of mine, and I will use his name, because before his death he gave me permission to talk about his situation on the floor of this House. His name was Jim Bartee.

He was a person younger than I am, someone that I had known for many, many years. Jim grew up in Portsmouth, Ohio. He went to Florida and became a publisher of a small newspaper. He developed leukemia, and he came back home for treatments. While he was in the hospital, getting chemotherapy, he called his managed care case manager and he was talking about his situation.

She said to him, "How are you doing, Jim?"

He said to her, "Well, I am feeling a little sick now because of the chemotherapy."

She said, "Well, if you need a couple of more days in the hospital, I can approve that for you."

He said, "Well, what I really needed to talk with you about was a conversation I had with my doctor this morning." He said, "My doctor came in and told me that I have perhaps as little as 3 weeks to live, and that my only hope for survival may be a bone marrow transplant."

She responded, this managed care case manager responded, by saying, "Oh, we could never get it approved that quickly."

He said to her, "How much would it cost?"

She said, "Probably somewhere in the vicinity of $120,000." She said, "Jim, we just could not get it approved that quickly."

So, my friend, who had been a newspaper publisher, called his newspaper in Florida and told them what his managed care case manager had said to him. They said to him, "Jim, whatever you need, medically, do not worry about the cost. We will make sure it is paid for."

As it turned out, a bone marrow transplant was not indicated, according to his doctor, eventually, and so Jim passed away. I spoke at his funeral. He was one of the bravest, one of the kindest people I have ever known in my life.

I would say to my colleague, the gentleman from New Jersey, my reason for sharing this story is this: No one facing a death threatening medical set of circumstances should be told by an insurance bureaucrat, we cannot approve this treatment in time. That is a decision that ought to be made by a physician and the patient.

I share this story because before Jim Bartee died, he told me that he would like for me to share with others what his experience had been.

Then a second circumstance that occurred in my district was a young man who grew up in one of my counties and went to California to go to college, and he affiliated with a managed care organization out there. He came back home for a visit and went hiking and fell some 80-some feet and damaged his brain, and he has been in a coma ever since.

After the fall, he was immediately taken to surgery in Cincinnati, Ohio, and a few days after surgery the managed care company informed his parents that they would no longer provide medical coverage unless he was in one of their facilities. So the patients allowed this young man to be air transported to California. The mother took a leave of absence. She is a schoolteacher. She took a leave of absence to go to California to be near her son.

The week before Christmas, they contacted my office and they told me the care that he had received there: Lack of physical therapy, his teeth rarely being brushed, his body not being turned every two hours as it needed to be turned in order to keep him from getting bed sores. When they contacted me, they told me that the managed care company told them that his coverage would expire on January 1, and that thereafter they would be responsible for his medical costs.

At that point, they asked if he would be returned to Ohio. They said it is against our company policy. It was not until my office got involved and we literally threatened to make this the Christmas story of 1997 that on Christmas Eve day they finally relinquished and told his parents that they would fly him back to Ohio.

He is now in Ohio in a nursing home and he remains in a coma.

I talked to the father recently, and he said while his son was in California, a large swollen area developed on his skull and that they tried to get the managed care company to have him seen by a specialist, and it was put off and put off and put off until his coverage expired. Once he got back to Ohio and the physician saw him in Ohio, they said, this needs immediate attention.

They discovered that he had an existing serious infection that had been neglected for a long, long time. The father believes that that managed care company refused to evaluate his condition simply because they did not want to bear the cost of the necessary treatment.

These are the things that are happening to my constituents and to real Americans, and every Member of this House, Republican and Democrat alike, should stand together to say, we are no longer going to tolerate American citizens being abused in these kinds of ways. That is why I am really proud of the gentleman from Iowa (Mr. GANSKE).

Many people may not know that the gentleman from Iowa (Mr. GANSKE) is himself a physician. He has joined with some of the rest of us to fight this fight to make sure that patients come first, and that profits, while essential and necessary for any corporation or any business, should not be put first and patient needs put second or third or fourth.

So I am pleased that you have given me the time to talk about my constituents and the problems they have had. I encourage you, my colleague, the gentleman from New Jersey, to continue your fight for all of us.

Mr. PALLONE. Mr. Speaker, we have very little time left, but I want to thank the gentleman from Ohio (Mr. STRICKLAND) for giving us those two examples. All I can say again, and I am sure that the gentleman from Iowa (Mr. GANSKE) will say the same, is that this is happening on a regular basis. These are not isolated instances. We are getting these kinds of problems on

a daily basis in our districts, and that is why it is so important that we pass the Patients' Bill of Rights.

□ 1845

MAJOR DIFFERENCES EXIST IN HEALTH CARE LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Iowa (Mr. GANSKE) is recognized for 45 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I am glad to join my colleagues this evening to discuss managed care legislation. Yesterday the House returned from the August district work period when Members were scattered across the Nation for the past month, and yesterday Judge Starr delivered his report to Congress. I would hope that we will be able to get some work done in this Congress besides just dealing with the Starr report before we leave for the year.

When Members were back in their districts, they had the opportunity to speak with constituents at countless county and state fairs, town hall meetings and other gatherings, both formal and informal. It was an opportunity for us to communicate what we have done and for the voters to tell us what they would like Congress to do.

I suspect that my colleagues had experiences similar to mine. It was almost impossible to pick up a newspaper or hold a town meeting without hearing another story about how a managed care plan had denied someone lifesaving treatment. No public opinion poll can convey the depth of emotion about this issue as well as movie audiences around the country, who spontaneously clapped and cheered Helen Hunt's obscenity-laced description of her HMO.

Mr. Speaker, I rise today to offer some thoughts on what sorts of meaningful managed care reforms Congress must pass before adjourning for the year. At the end of July, the House approved a Republican bill which was advertised as addressing consumer complaints about HMOs. But, Mr. Speaker, I think an examination of the fine print is in order, particularly when we compare it to the Patients' Bill of Rights, a bipartisan proposal that I and the gentleman from New Jersey (Mr. PALLONE) support, which has been endorsed by close to 200 national groups of patients and providers, including now the Patient Access to Responsible Care Act Coalition, the PARCA coalition, as well.

A year ago, Congress and the President were able to reach agreement on a plan to save Medicare from bankruptcy. Included in that package were several provisions to protect seniors enrolled in Medicare HMOs. One of the most important parts was language to ensure that health plans pay for visits to emergency rooms.

We had heard frequent complaints that health plans were denying payment if the individual was found after the evaluation not to have a serious condition. The best example is a man who experiences crushing chest pain. The American Heart Association says that is a sign of a possible heart attack and urges immediate medical attention. Fortunately, there are other causes of crushing chest pain besides a heart attack. But seniors, whose EKG tests were normal, were then being stuck with a bill for the emergency care, since in retrospect the HMO said, "See, the EKG was normal. You did not need the treatment after all."

Well, the Medicare law that we passed last year took care of that problem by ensuring that plans paid for emergency room services if a "prudent layperson" would have thought a visit to the ER was needed. This prevented the sort of 20–20 hindsight coverage denials that consumers had complained about from their HMOs.

The Patients' Bill of Rights that I support would have extended the same protections to consumers in all HMO's that we passed for senior citizens. Instead, the Republican bill passed by the House contains a watered-down version of the prudent layperson rule.

Last month, the New York Times published an excellent article by their noted health reporter, Robert Pear. In it Mr. Pear outlined just how different the protections in the Republican bill are from those we passed last year for Medicare and Medicaid. A key difference is exactly how much patients will have to pay for emergency care.

The Patients' Bill of Rights, which I and my colleague, the gentleman from New Jersey supported, provides that patients could not be charged more money if they seek care in a non-network emergency room. By contrast, the Republican bill allows the health plan to impose higher costs on those who are so careless as to allow emergencies to befall them in places not close to a network hospital.

Mr. Speaker, consider what this means: HMOs require enrollees to use certain hospitals because the plan has a financial arrangement with those hospitals. But when a young child splits open his head by falling down a flight of stairs, I fail to see that any good is served by requiring that little child to delay timely care until his parents can get him to one of the HMO's emergency rooms.

Consider the case of James Adams, age six months. At 3:30 in the morning his mother, Lamona, found James hot, panting and moaning. His temperature was 104 degrees. Lamona phoned her HMO and was told to take James to the Scottish Rite Medical Center. "That is the only hospital I can send you to," said the HMO nurse.

"How do I get there," Lamona asked? "I don't know," the nurse said. "I am not good at directions." Well, about 20 miles into their ride they passed the Emory Hospital, a renowned pediatric center. They passed two more of Atlanta's leading hospitals, Georgia Baptist and Grady Memorial, but they did not have permission to stop there.

So they drove on. They had 22 more miles to travel to get to the Scottish Rite Hospital. And while searching for Scottish Rite, James's heart stopped.

When James and Lamona finally got to Scottish Rite, it looked like the little boy would die. But he was a tough little guy, and, despite his cardiac arrest due to the delay in treatment by his HMO, he survived. However, the doctors had to amputate both of his hands and both of his feet because of resulting gangrene. All of this is documented in this book, "Health Against Wealth." As the details of baby James' HMO's methods emerged, the case suggests that the margins of safety in HMOs can be razor thin. In James' case, they were almost fatal, leaving him without hands and without feet for the rest of his life.

Think of the dilemma that places on a mother struggling to make ends meet. In Lamona's situation, under the Republican bill if she rushes her child to the nearest emergency room, she could be at risk for charges that average 50 percent more than what the plan would pay for for in-network care; or she could hope that her child's condition will not worsen as they drive past other hospitals, an additional 20 miles, to get to the nearest ER affiliated with their plan. And woe to any family's fragile financial condition if this emergency occurs while they are visiting relatives in another state.

Mr. Speaker, the other bill, the Patients' Bill of Rights, would ensure that consumers would not have to make that potentially disastrous choice.

A second key difference between the Republican bill and the protections already enacted for Medicare is that the Republican bill does not require any payment for services other than an initial screening. After that, payment must be made only for additional emergency services if "a prudent emergency medical professional" would deem them necessary. Moreover, the GOP bill added a new burden on emergency room doctors, requiring them to certify in writing that such services are needed.

Talk about bureaucracy. Robert Pear's New York Times article quoted John Scott of the American College of Emergency Physicians. Mr. Scott's comments bear repeating, because I think they illuminate the weakness in the Republican bill. "We have more than a century of common law and court decisions interpreting the standard of a prudent layperson, or reasonable man, as it used to be called. But

this new standard of a prudent emergency medical professional was invented out of thin air. It creates new opportunities for HMOs to second-guess the treating physician and to deny payment for emergency services.''

Mr. Pear's article also takes a hard look at the difficult issue of medical records privacy and concludes that, ''On this issue too, the details have provoked a furor'' in the Republican bill. He noted that privacy advocates were amazed to learn that the Republican task force bill authorizes the disclosure of information without an individual's consent for a broad range of purposes, including risk management, quality assessment, disease management, underwriting and more.

The Republican bill considers disclosure for ''health care operations'' as permissible. This is a term so broad that many critics say it would allow the transfer of patient information to companies marketing new drugs.

Commenting on these flaws in the Republican bill, noted privacy act expert Robert Gellman said the Republican bill ''gives the appearance of providing privacy rights, but it may actually take away rights that people have today under state law or common practice.''

Mr. Speaker, I will include the entire text of the Robert Pear article for the RECORD at this point.

[From the New York Times, Aug. 4, 1998]

COMMON GROUND ON PATIENT RIGHTS HIDES A CHASM

(By Robert Pear)

WASHINGTON, AUG. 3.—It has been clear that there are major differences to be worked out between the Democratic and Republican bills on patient rights.

But a look at the details of the House Republican plan shows that there are also major differences in important areas on which the two sides had seemed to agree.

The disagreements are illustrated in two areas: emergency medical services and the privacy of patients' medical records.

At first, it appeared that members of Congress agreed that health maintenance organizations should be required to pay for emergency medical care. And they seemed to agree on a standard, promising ready access to emergency care whenever ''a prudent lay person'' would consider it necessary. After all, that was the standard set by Congress last year for Medicare, the Federal health program for 38 million people who are elderly or disabled.

But the consensus dissolved when emergency physicians read the fine print of the House Republicans' bill, the Patient Protection Act, which was introduced on July 16 by Speaker Newt Gingrich and passed eight days later by a vote of 216 to 210.

Since 1986, the Government has required hospitals to provide emergency care for anyone who needs and requests it. But the question of who should pay for such care has provoked many disputes among insurers, hospitals and patients.

The Democratic bill would require H.M.O.'s and insurance companies to cover emergency services for subscribers, ''without the need for any prior authorization,'' regardless of whether the doctor or hospital was affiliated with the patient's health plan. Emergency services, as defined in the bill, include a medical screening examination to evaluate the patient and any further treatment that may be required to stabilize the patient's condition.

The H.M.O. would have to cover these services if ''a prudent lay person, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention'' to cause serious harm.

By contrast, the House and Senate Republicans bills would establish a two-step test. An H.M.O. or an insurance company would have to cover the initial screening examination if a prudent lay person would consider it necessary. But the health plan would have to pay for additional emergency services only if ''a prudent emergency medical professional'' would judge them necessary. And under the House Republican bill, the need for such services must be certified in writing by ''an appropriate physician.''

Mr. Gingrich said the Republicans' bill would guarantee coverage for ''anybody who has a practical layman's feeling that they need emergency care.''

But Representative Benjamin L. Cardin, Democrat of Maryland, said the bill ''is not going to do what they are advertising.''

One reason, Mr. Cardin said, is that the bill was rushed through the House. ''There have been no hearings on the Republican bill,'' he said. ''It did not go through any of the committees of jurisdiction for the purpose of markup or to try to get the drafting done correctly.''

Under the Democratic bill, H.M.O. patients who receive emergency care outside their health plan—whether in a different city or close to home—may be charged no more than they would have to pay for using a hospital affiliated with the H.M.O. There is no such guarantee in the Republican bills. And the cost to patients could be substantial.

The Congressional Budget Office estimates that the Democratic bill would require H.M.O.'s to pay for emergency room visits in half the cases where they now deny payment. And it says that the charge for emergency care outside the H.M.O. is typically 50 percent higher than at hospitals in the H.M.O. network.

John H. Scott, director of the Washington office of the American College of Emergency Physicians, said the protections for patients were much weaker under the Republican bills than under the Democratic bill or the 1997 Medicare law.

''We have more than a century of common law and court decisions interpreting the standard of a prudent lay person, or reasonable man, as it used to be called,'' Mr. Scott said. ''But this new standard of a prudent emergency medical professional was invented out of thin air. It creates new opportunities for H.M.O.'s to second-guess the treating physician and to deny payment for emergency services. It would introduce a whole new level of dispute.''

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center in Boston, said, ''The Republicans performed some unnecessary surgery on the 'prudent lay person' standard, to the point that it's hardly recognizable as the consumer protection we envisioned.''

The Senate adjourned on Friday for its summer vacation without debating the legislation, but leaders of both parties said they hoped to take it up in September. Senate Republicans intend to take their bill directly to the floor, bypassing committees, which normally scrutinize the details of legislation.

There was, and still is, plenty of common ground if Republicans and Democrats want to compromise. Both parties' bills would, for example, require H.M.O.'s to establish safeguards to protect the confidentiality of medical records.

But on this issue too, the details have provoked a furor. When privacy advocates read the fine print of the House Republican bill, they were surprised to find a provision that explicitly authorizes the disclosure of information from a person's medical records for the purpose of ''health care operations.'' In the bill, that phrase is broadly defined to include risk assessment, quality assessment, disease management, underwriting, auditing and ''coordinating health care.''

Moreover, the House Republican bill would override state laws that limit the use or disclosure of medical records for those purposes.

The House Republican bill says patients may inspect and copy their records. But it stipulates that the patients must ordinarily go to the original source—a laboratory, X-ray clinic or pharmacy, for example—rather than to their health plan for such information.

Representative Bill Thomas, the California Republican who is chairman of the Ways and Means Subcommittee on Health, said the bill ''prohibits health care providers and health plans from selling individually identifiable patient medical records.''

Still, privacy advocates say the bill would allow many uses of personal health care data without the patients' consent.

Robert M. Gellman, an expert on privacy and information policy said: ''The House-passed bill gives the appearance of providing privacy rights. But it may actually take away rights that people have today under state law or common practice.''

Mr. Speaker, these are but two examples of flaws that may not be apparent on a quick read of the Republican bill, but which become apparent on closer examination. I wish I could say that those are the only two provisions in the House-passed Republican managed care reform bill, which, to borrow from an old TV ad, may taste great, but it is certainly less filling.

I think every Member would agree that the best health care bill is one that allows people to get the services they need, when they need them. Remedies such as internal and external appeals and access to the courts are needed backdrops, but our first goal should be to require that HMOs provide needed care. On that count, there is no comparison between the two bills.

Here is a partial list of protections contained in the Patients' Bill of Rights which are not included in the Republican bill. First and foremost, the Republican bill could actually make the situation worse by creating what are called association health plans, which would be beyond the reach of state regulation.

For years, states have shown themselves able to craft workable consumer protections for health insurance, but thanks to a 25-year-old Federal law known as ERISA, millions of Americans are in health plans that are beyond the reach of state consumer protections.

Instead of giving consumers more control over health care, the Republican bill actually places more people into ERISA regulated health plans. Does this solve our health care problems? Certainly not. Does it add to them by denying people the protections of state law? Definitely.

Instead of improving access to insurance, these proposals would have the exact opposite effect. By exempting multiple employer welfare arrangements, otherwise known as MEWAS, from a range of state insurance regulations, the Republican bill makes it more difficult for states to fund high risk pools and other programs that actually help keep health insurance more affordable.

The National Association of Insurance Commissioners and the National Conference of State Legislatures are concerned that these GOP provisions could "undermine recent efforts undertaken by states to ensure that their small business communities have access to affordable health insurance."

Take a look at this little boy, born with a cleft lip. In many states, HMOs are required to pay for coverage to give this little boy a normal face. But, Mr. Speaker, I would guess that many of my Republican colleagues would be very surprised to learn that because a cleft lip is considered a condition, rather than a disease, plans serving these HealthMarts in the Republican bill would not be required to cover needed treatments for this deformity.

This is not just my interpretation of the Republican bill. The Committee on Commerce staffer who helped draft this provision confirmed to me that HealthMarts would not be bound by state laws to require coverage of cleft lips and pallets and similar birth defects. If the Republican bill becomes law, I think it will be very difficult for Members to explain to parents of a child like this why Congress exempted HealthMarts from that state law protection.

Second, the Republican bill does not help doctors and nurses to serve as advocates for their patients. Both bills ban what are known as gag rules for some health plans that some health plans have used to limit discussions between patients and their health care providers. But the Patients' Bill of Rights recognizes that doctors and nurses need to be advocates for their patients as well. It prevents health plans from taking action against those doctors and nurses for speaking up for their patients at internal and external reviews or for alerting public health authorities to safety concerns.

□ 1900

These protections are not present in the Republican bill, and they should be.

A third key difference between the Republican bill and the bipartisan Patients' Bill of Rights relates to the way in which they deal with drug formularies. For reasons which may have more to do with financial discounts than quality medical care, many health plans have limited their coverage of prescription drugs to those on a formulary. For many conditions and diseases, patients can be given different formulations of a drug, whether brand names or generic, without harm. But that is not always the case. A patient may need a particular formulation of a drug. That is especially true for drugs for which there is a very narrow window between that which works and that which harms, and switching patients from brand name to generic drugs or vice versa can have serious health consequences.

The bill I support, the Patients' Bill of Rights, recognizes that by ensuring that physicians and pharmacists have input into the creation of that plan's, that HMO's formulary. Moreover, the bill ensures that there is a way for patients to get a drug that is not on the formulary if their physician determines that it is medically indicated.

By contrast, the Republican bill merely provides enrollees with information of the extent to which a drug formulary is used, and a description of how the formulary is developed. More specific information as to whether a particular drug is on the formulary is available only to those who ask.

A fourth key difference is that the Patients' Bill of Rights guarantees access to clinical trials, something that the Republican bill does not do. For patients with some diseases, the only hope for a cure lies in cutting edge clinical trials. The Patients' Bill of Rights would allow individuals with serious or life-threatening illnesses for which no standard treatment is effective to participate in clinical trials if participation offers a meaningful potential for significant benefit. This does not require the health plan to pay all of the costs of those clinical trials. In fact, all that the Patients' Bill of Rights requires is that a plan cover the routine costs they would otherwise be required to pay. They are not forced to assume any of the added costs of participation in a clinical trial.

The Republican managed care bill, by contrast, contains no similar protections. That can be a major difference for somebody with a life-threatening illness who would rather use his strength to battle his cancer, not to battle the insurance company for coverage of the clinical trial that might save his life.

A fifth important distinction between the competing proposals is that the Republican proposal does not provide for ongoing access to specialists for chronic conditions. Many chronic conditions, such as multiple sclerosis or arthritis, require routine care from specially trained physicians like neurologists or rheumatologists. It is one thing to ask an enrollee to get a referral for an isolated visit to a specialist, but those with chronic conditions need a standing referral to those specialists, or to be able to designate the specialist as their primary care provider. This protection is not in the Republican bill.

A sixth distinction between the 2 is that the Patients' Bill of Rights does more to ensure that individuals are able to see the doctor of their own choice. Both bills have a point-of-service provision that allows individuals to see health care providers not in their plan's closed panel. But the Republican bill contains a loophole that renders that protection a hollow one for millions of Americans.

Under the Republican bill, a health plan would not have to offer employees a point-of-service option if they could demonstrate that the separate coverage would be more than 1 percent higher than the premium for a closed panel, and this needs only to be a theoretical increase. The bill allows HMOs to provide only actuarial speculation that the costs would increase, and then they are relieved of having to offer employees the option. Perhaps even more amazing is the fact that that exemption is triggered even if employees selecting a point of service option would pay all of the costs of the improved coverage themselves.

Under the Republican bill, employees who are willing to pay the entire added cost for the ability to obtain out-of-network care can be denied access to this benefit if the employer is able to speculate that the costs might be higher. That is the ultimate in paternalism. The bipartisan bill I support, the Patients' Bill of Rights, lets the employees decide for themselves if they want to purchase that enhanced coverage.

A seventh key difference between the 2 bills is that the Patients' Bill of Rights ensures that health plans not place inappropriate financial incentives on providers to withhold care. Medicare regulations very explicitly limit the type of financial arrangements that HMOs can have with providers and protect seniors from providers who may get a financial windfall by delivering less care. That was in the bill that we passed for Medicare. The Patients' Bill of Rights would extend that protection to other HMOs and other health plans, because patients should never have to wonder if their doctor might lose money by giving additional medical services. The Republican bill is silent on that point. It does not even extend that Medicare protection to other Americans.

An eighth key difference exists in the external appeals process. Virtually everyone who has looked at the problems in managed care recognizes the need to ensure a nonbiased, external review of decisions to deny care, and both bills

have external appeals provisions, but they differ on key details. The Republican bill does not make external appeals decisions binding on the plan. If an outside body agrees that the plan should pay for care, it is not binding on the HMO. The bill I support, the Patients' Bill of Rights, has a binding external appeal.

An additional and more troubling difference is the scope and conduct of the external review. The Republican bill does not have any provision for the enrollee to participate or to have experts testify on their behalf. The better bill, the Patients' Bill of Rights, ensures that the enrollee has an opportunity to testify and to have witnesses appear on his behalf if he appeals a denial. And this dovetails with an issue that I raised earlier about gag rules and disclosing safety issues to appropriate authorities.

The Patients' Bill of Rights prevents health plans from taking action against providers who advocate for their patients in the grievance and appeals process. There is no similar protection under the Republican bill. But I guess since they are not even guaranteed an opportunity to testify, I suppose they do not need that protection in the first place.

Another distinction in the appeals process is that the Patients' Bill of Rights guarantees a review on the merits by outside experts as to whether a service or treatment is medically necessary. Under the Republican bill, the outside review is limited to determining whether the plan followed its own definition of medical necessity. That is an enormously important point.

During testimony before the Committee on Commerce 2 years ago, a former medical reviewer for an HMO described how health plans can monkey with the definition of "medical necessity" in order to exclude virtually any expensive treatment. She called that medical necessity issue the "smart bomb" of care denials. I think it is exceedingly troubling that the Republican bill would prevent the external appeal from being a real review on the merits. In fact, that limited review could actually preempt more protective State laws.

Finally on the issue of external reviews, the Republican bill actually throws up a hurdle to working families. Under the Republican bill, HMOs can require that enrollees pony up as much as $100 just to obtain the limited external appeal. That could pose an unreasonable burden on many Americans most in need of care and should not be in the legislation.

A ninth key difference in the bills is timing. The Patients' Bill of Rights would have to be considered superior to the Republican bill because its protections are effective immediately. By contrast, the Republican bill delays the effective date until at least January 1, the year 2000, and if the bill is not signed into law until early next year, the protections are not effective until the year 2001.

Finally, the bill I support, the Patients' Bill of Rights, establishes State ombudsmen to help consumers better understand and obtain care from their health plans. They can help prospective enrollees make meaningful comparisons of their options and they can help patients navigate through the plan's utilization review system as well as internal and external appeals.

How important is it to have someone knowledgeable on your side? Well, ask this young woman, Jackie Lee. She fell off a 40-foot cliff while hiking in the Shenandoah mountains. She fractured her pelvis, her skull, her arm; she was airlifted to a nearby hospital for care. After getting first class medical care, she also got a first class runaround from her health plan, from her HMO, who refused to pay her hospital bills. They said she had not phoned ahead for prior authorization. I mean, what was she supposed to do after she fell off this 40-foot cliff, wake up from her coma, pull her cellular phone out of her pocket with her nonbroken arm, phone the HMO on a 1-800 number and say hey, guess what, I just fell off a cliff? I mean, come on. At wit's end, she contacted the Maryland State Insurance Commissioner, and that office was able to help Jackie get the coverage to which she was entitled.

Today this young woman is in an ERISA regulated plan. If the same accident would befall her today, the HMO would be beyond the reach of State insurance commissioners, and that is why the Patients' Bill of Rights creates a health insurance ombudsman. The Republican bill, sadly, has no comparable provision.

In summary, Mr. Speaker, the GOP bill is not even half a step forward. In fact, it may be a full step backwards in that it would negate many States' efforts to fix HMO problems.

So I am going to make a few suggestions to make the Republican bill live up to its claims, and here they are. The bill should be amended to include the emergency room protections that we have already enacted for Medicare and Medicaid. The privacy protection should be tightened to prevent inappropriate disclosures of medical records and to leave intact stronger State laws. The provisions on association health plans, which expand the pool of people in ERISA health plans, should be removed. The same is true of health marts which would deny people the protections of some State benefit laws. The bill should prevent health plans from punishing providers who speak up for patients in the appeals process, or who raise safety concerns to appropriate regulatory authorities.

□ 1915

The bill should give providers input into the plan's drug formulary and ensure that drugs not on the list can be prescribed when medically necessary. The bill should be amended to allow patients access to clinical trials when it offers them the best hope for a cure.

The Republican bill should not allow those with chronic conditions like cancer or arthritis to not have a standing referral to a specialist. It should allow them to have a standing referral to a specialist who can treat that chronic condition.

The point-of-service provision should be strengthened, particularly by deleting the ability of plans to cancel coverage if they speculate that the premium to employees might increase by more than 1 percent.

The bill should have language, like in Medicare, to ensure providers are not given inappropriate financial incentives by HMOs to deny medical care.

The appeals process should be strengthened to allow a new review on the merits, not on whether the plan followed its own definition of medical necessity. Patients and providers should be able to testify without fear of retribution. The outcome of the external review should be binding on the plan, and employees should not have to pay up to $100 for that review.

The bill should include an ombudsman program to help consumers understand their rights. These protections should be made available as soon as possible, and group health plans must be made more accountable for the consequences of their negligence. This is an important point.

Because of a Federal law known as ERISA, patients injured because their HMO delayed or denied treatment have very limited remedies. The Patient Bill of Rights would permit States to set their own rules for such actions.

The Republican bill passed by the House tinkers with but does not really fix this problem. The desperate need for legislation to fix ERISA was outlined in the decision of Federal District Court Judge for the Southern District of Mississippi, Judge Charles Pickering, Senior, in the 1994 case Suggs v. Pan American Life Insurance Company.

Judge Pickering's opinion contained an exhaustive review of the history and interpretation of the ERISA statute: "Despite this clearly stated objective of ERISA to protect employees from abuse, with so many State laws and/or remedies having been preempted, employees obviously have less protection in the field of health insurance today than they had before ERISA was passed in 1974. It cannot be said that congressional intent has been followed when the results are so clearly to the contrary."

Judge Pickering went on to observe that ERISA "has preempted from application to most group health insurance policies a volume of State laws and remedies developed over many years of experience that protected insureds. ERISA has not been interpreted to replace preempted State remedies."

In a section of the opinion entitled "Part VII. Frustration," Judge Pickering lamented, "Something is wrong when the law designed to protect employees leaves victims of fraud without a remedy. Either Congress is incapable of writing legislation to accomplish what they plainly say is their intent, or the courts lack the ability to interpret the statute to do what Congress plainly says it intended to do, or both, or a mixture. In any event, the system fails."

Judge Pickering went on to remark that, "There is no way of knowing how many Americans today are without health insurance, or have had to take bankruptcy, or how many have simply given up trying to enforce their health insurance policy because they do not want to or cannot afford to come to Federal court to litigate claims that involve so little, and that, by all reason, should be resolved in the lowest State forum available, where costs and expenses and time do not equal that of the Federal judiciary."

Summing up his consternation over the operation of the ERISA statute, Judge Pickering noted that the history of cases before his court shows that ERISA has not protected employees, but has, instead, denied them a remedy for valid grievances.

"There has not been a single case that has been filed before this court by an employee coming into Federal court saying, 'I want to protect my pension or my benefits under the broad terms of ERISA.' Every single case brought before this court has involved insurance companies using ERISA as a shield to prevent employees from having the legal redress and remedies they would have had under longstanding State laws existing before the adoption of ERISA. It is indeed an anomaly that an act passed for the security of employees should be used almost exclusively to defeat their security and leave them without remedies for fraud and overreaching conduct."

Judge Pickering's thoroughly researched and well-reasoned opinion demonstrates the compelling need for Congress to fix the problems created by ERISA. I was disappointed that this was not included in the rule, and hope this will be addressed in a positive way in whatever managed care reform bill finally gets passed by the House and Senate and sent to the President.

If these changes are eventually made to the Republican bill, then it will begin to deserve its name: The Patient Protection Act. If not, then the bill is a fig leaf. I look forward to working with my colleagues to help make the final bill one which gives all Americans the protections they need.

Mr. Speaker, a large number of Republicans want to pass meaningful legislation. Ninety Republicans were cosponsors of a much stronger patient protection bill than that that passed the House in July. Most of these Republicans did not have sufficient time to examine the GOP bill before voting on it because it was rushed to the floor to provide political cover.

But Mr. Speaker, those Republicans who want to see signed into law a bill that is really a step forward should demand of our leadership the type of changes I have outlined. If there is a will, there is still plenty of time to get a bipartisan agreement on HMO reform.

However, Mr. Speaker, opponents of strong patient protection legislation may succeed in preventing reform legislation from passing this year. But I guarantee Members, Mr. Speaker, this issue will only get hotter in coming years if Congress does not act to truly curb the abuses of some HMOs.

Mr. Speaker, as Abe Lincoln said, "You can't fool all of the people all of the time."

SOCIAL SECURITY, TAXES, AND WHERE WE ARE GOING AS A NATION

The SPEAKER pro tempore (Mr. SNOWBARGER). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin (Mr. NEUMANN) is recognized for 60 minutes as the designee of the majority leader.

HEALTH CARE IN AMERICA

Mr. NEUMANN. Mr. Speaker, I rise tonight to first address just briefly what my colleagues have been talking to me about, or have been talking about here on the floor in advance of me, and that is health care in America.

We hear so much about HMOs that are not doing their job for their patients, and we think about what kind of solutions we could come up with. There is a very naturally tendency in Washington, D.C. to say Washington needs to solve the problems. One thing Washington might consider doing is empowering the people in this country to have a choice of which HMO they go to and which health care coverage they would like.

Today that is not possible, because if you work at the General Motors plant in Janesville, Wisconsin, General Motors offers you as an employee one of several health care plans. But if you choose not to take the one offered by General Motors in Janesville, Wisconsin, and you instead go and buy some other health care plan, you first lose the benefit through your place of employment, and second, you have to take after tax dollars and go and purchase that other coverage.

One thing I think we should be thinking about as it relates to health care coverage is empowering all Americans to have the option of choosing the health care coverage that they want.

If General Motors could simply say to the employees in Janesville, Wisconsin, where I am from, "Here is the money that is available for your health care package, now you choose which health care coverage you would like," what would happen is the HMOs that are no good, some of those we have been hearing about here from my colleagues as I sat and listened here tonight, those HMOs that are no good and that are treating their patients wrongly and poorly, they would go out of business, because people would choose not to go to those HMOs because of the poor quality of the health care and their coverage.

At the same time, some of the good health care plans, some of the good HMOs, or maybe people do not want HMOs, maybe they want a policy like some of the medical savings accounts, where they take a large deductible and save some of that extra money for themselves, but at any rate, it would be their choice because they would have the choice of where they are going to go for their health care, and we would certainly expect the good health care plans to thrive and provide good coverage. Just like when I was in the homebuilding business, service to our customers was our top priority, because I knew my customers were going to talk to other people about the homes we built for them.

Similarly, if people have choices in health care programs, if people can go anywhere they want for those health care programs, service to the customer becomes the top priority, because if they do not do a decent job people are going elsewhere for their health care coverage.

When we think about that as a solution, as opposed to here in Washington somehow knowing what is best for everybody all across America, I sure like the idea of empowering the people as opposed to making us more in control of more parts of the people's lives.

That is not really what I rose to talk about tonight, but I listened to the gentleman before me and I thought we should throw out another suggestion as to how to move America forward as it relates to health care.

I want to say tonight that it is a very solemn mood here in Washington, D.C., to the folks that are watching from all around the country, Mr. Speaker. They should know that the mood here in Washington, D.C. is a very solemn situation. We here in the House take our responsibility that we have been given very, very, very seriously. It is not about Republicans or Democrats at all out here. We understand that we are at an important time in America's history.

What happens over the next few months as it relates to the matter that is currently before us is certainly going to take up the news, but there is something else that is real important here. As the Starr report is being discussed, and as the potential impeachment proceedings go forward and all that stuff dominates the news out there, the normal business of Congress is still going on behind the scenes.

There are some very, very significant things happening right here in Washington right now behind the scenes and below the level of the news because of the Starr report and what is happening there that are going to affect things that are as important to Americans as Social Security and taxes, and whether or not we stay in balance and pay down our debt. Things that are extremely important to the future of this country are still going on over the next 4 or 5 months in addition to the other very serious responsibility that we, as all Americans, have.

For that reason I rise tonight to talk about, in particular, Social Security and taxes and where we are going as a Nation, a little bit about how far we have come, but where we are at right now.

If we look at numbers today, for the first 11 months of our fiscal year we are running a surplus that is very, very substantial for the first time since 1969. It is not a little, tiny surplus, it is almost $100 billion a year. We have been projecting between $80 and $106 in my office for quite some time. It appears now that the numbers will come in someplace in between there.

Let me put that in perspective so it makes more sense, because out here in Washington we talk about these billions all the time. It does not always make sense to all my colleagues and all the people all across America.

A $100 billion surplus means that the United States government has collected $400 for every man, woman, and child in the United States of America more than what it needed in taxes. Let me say that again. A $100 billion surplus is approximately $400 for every man, woman, and child in the United States of America. We are talking about a huge amount of money.

I want to just talk about how that surplus relates back to debt, to deficit, to Social Security, and to tax cuts as we move forward, because there is a very significant debate going on right now as to how that surplus should be used. It relates specifically to the Social Security issue.

First, let me start by pointing out that we still have a very serious problem facing this country. This debt chart, and I notice tonight it is actually worn out, because I think I start most every presentation by showing this debt chart. It shows the growing debt facing America.

If we start down here, we can see from 1960 to 1980 there was very little growth in the debt, but from 1980 forward, this thing has just grown right off the wall. When I am out in public and I point out 1980 as where it really started growing, or 1978, 1979, I can see all the Democrats in the audience nodding their heads, going, "That was Ronald Reagan," and I can see all the Republicans nodding their heads and saying, "That was that Democrat Congress." The point is, whether we were Democrat or Republican, it did change in 1980 or thereabouts. We are about up here in this chart right now. It is a very, very serious problem facing our country.

Since 1969, every year our government has borrowed and added to this debt. It was in 1980 they started borrowing lots and adding to that debt. For the folks who have not seen this number and how big it is, we are currently $5.5 trillion in debt.

Again, let me translate that into something that makes a little more sense. If we divide the debt by the number of people in the United States of America, our government has borrowed $20,400 on behalf of every man, woman, and child in the United States of America. Put into perspective for a family of five like mine, our government has literally borrowed $102,000, basically, over the last 15 years.

□ 1930

The real kicker in this thing is down here. A lot of people think, well, that is kind of Washington jargon. That is Washington talk. And $5.5 trillion, what does that really mean?

Let me translate it into what it actually means to an average family of five in the United States of America. We are paying, an average family of five pays $580 a month every month to do absolutely nothing but interest on this Federal debt. See, even though the number is too big and it is Washington jargon, the facts are it is real debt. And since it is real debt, we are paying interest on it. That interest for an average family of five, or any group of five people in America, is 580 bucks a month.

Mr. Speaker, for anyone who thinks they are not paying $580 a month, I suggest they think about walking into a store and doing something as simple as buying a pair of shoes. The store owner makes a profit on selling that pair of shoes and part of that profit gets paid to the United States Government in the form of taxes. When the government gets it, one dollar out of every six that this government spends does absolutely nothing but is used to pay interest on the Federal debt. I think it is reasonable to ask how in the world did we get to this point?

I see my good friend, the gentleman from Michigan (Mr. HOEKSTRA) has joined me. I am sure he has seen this portion before, but trust me, I have some additional charts that are a little bit new out here tonight.

Mr. Speaker, how did we get to this point? I think it is important that we remember Gramm-Rudman-Hollings. If my colleagues are like me, in 1985, Gramm-Rudman-Hollings came out and our government told us that they were going to balance the budget and stop spending our kids' money, and I cheered and I said, yes, our government is going to do the right thing at last and quit spending our kids' money.

Well, 2 years went by and it was 1987. They said, that promise we made back in 1985, we cannot really keep that promise, but here is a new promise. They gave us Gramm-Rudman-Hollings of 1987. Three years went by, and they said we cannot keep that 1987 promise, but here is a new one; and in 1990 they raised our taxes. And then it got to 1993, and of course we all remember the huge tax increase of 1993.

Mr. Speaker, I brought just one of those along. I brought Gramm-Rudman-Hollings of 1987, but all four of those broken promises are really the same. This blue line shows how we were supposed to get to a balanced budget and how the deficit was supposed to get to zero and they were supposed to quit spending our kids' money by 1993. The red line shows what actually happened out here. The deficit exploded instead of going to zero.

Well, things have changed. I am happy to say that. We got to 1993, this year, and the deficit was still very, very large. The people that were in Washington at that point made a very bad decision. This needs to be said. It passed without a single, solitary Republican vote, but in 1993 what they did is they decided that the only answer to this problem, this debt and deficit problem——

Mr. HOEKSTRA. Mr. Speaker, would the gentleman yield?

Mr. NEUMANN. Mr. Speaker, I would be happy to yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, I believe the gentleman said it passed by a single solitary Republican vote.

Mr. NEUMANN. I apologize. It passed without a single, solitary Republican vote. Thank you. I stand corrected, if that slipped. It passed without a single, solitary Republican vote.

I am sure the gentleman from Michigan remembers what I am talking about here. It is the biggest tax increase in American history. The gentleman might want to explain parts of it.

Mr. HOEKSTRA. Mr. Speaker, I think the gentleman is absolutely correct. I came here in 1993, and getting to the chart that the gentleman is going to be talking about next is the one that we were shooting for. We wanted to get to a balance, or more appropriately a surplus budget, and we wanted to get there as soon as possible.

In 1993, and we face these choices each and every year and we have been

facing them every year since then, are we going to get to a surplus budget? Are we going to match revenues with expenses by increasing revenues with higher taxes or by reducing or actually just slowing down the growth of spending? In 1993, we made the very serious mistake, because we said we are not taking in enough money from the American people. We have some things that we would like to do here. And Congress passed a huge tax increase.

At the same time, it was looking at significant new spending programs. We were going to nationalize health care. Government was going to stimulate the economy. We were going to go on a $15 billion stimulus package. So in 1993, the framework was very clearly set that we are going to increase revenues by increasing taxes, and at the same time we are going to increase spending and we are going to promise the American people that we are going to balance the budget.

We tried that formula in the past and it did not work. In 1995, the gentleman from Wisconsin (Mr. NEUMANN) came with, I think, 72 other new freshmen on the Republican side of the aisle, and we broke the old mold and we created a new mold.

Mr. NEUMANN. Mr. Speaker, I think it is real important to understand that the tax increase of 1993 did not lead to a balanced budget. In fact, higher taxes simply means more Washington spending.

I brought a chart with me to help show that tonight. In 1993, they had gotten down to a growth rate of government spending of 2 percent. What is a growth rate of government spending? If we spend $100 one year and spend $102 the next year, that is a 2 percent growth rate of government spending. They had gotten it down in 1993 to a 2 percent growth rate of government spending.

When they raised taxes in 1993, what happened immediately is, government spending went up. We can see that so clearly in this chart. We had a 2 percent growth rate of government spending in 1993. They raised taxes and what happened is immediately higher spending in 1994. That is really what led to the new elections in 1994, the new people that came out here in 1994, because in 1993 they got the wrong answer. They just did not get it. The American people did not want higher taxes.

Mr. Speaker, the American people wanted less wasteful Washington spending. They expected us to get this job done, but not by raising taxes and raising government spending. They expected us to get this job done by controlling wasteful government spending.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, I believe this is one of the gentleman's new charts.

Mr. NEUMANN. This is one of my new charts, yes.

Mr. HOEKSTRA. Mr. Speaker, the gentleman from Wisconsin has been working during our recess. But the gentleman is exactly right. Some of us came in 1993 and really believed that we had to control the growth in spending. Actually, the gentleman has other charts, probably back in the office, but they show that if we would have just for a number of years controlled the growth of Federal spending, kept it down to the 2 percent level, grown it at the rate of inflation, we probably would have reached a surplus budget a long time ago. But the people in Washington just could not control their desire to spend. So we went back up to 3.5, 4 percent and there we go.

We are working off a big number. When we are talking about increasing spending by 3.5 to 4 percent we are talking not about $100; we are talking about increasing a number that is $1.6 trillion. So the difference between a 2 percent growth rate and a 4 percent growth rate is real money.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, I just had town hall meetings all over the State of Wisconsin, and one question I asked in Wisconsin was how many in this room think government spending should increase faster than the rate of inflation? We didn't get anybody who thought that. But look at what was going on out here, government spending going up at twice the rate of inflation.

When we came in 1995, and we became the majority at that point, we had one idea. The idea was that instead of raising taxes on people we were going to get government spending under control. We were going to go after wasteful programs. Just one example my colleague from Michigan, I know, is very familiar with. We were spending $35 million of the taxpayers' money to Russia to launch monkeys into space to do research on the monkeys. We get here and find these sorts of programs, hundreds and hundreds of these sorts of programs, that were going on out here.

We understood that if we could get to that waste and get government spending under control that we would both be able to balance the budget and lower taxes. That was the theory we came with. We came with the understanding that the 1993 solution of higher taxes was the wrong idea. We understood that the people did not want higher taxes; they wanted less wasteful government spending.

Now we are 3 years into this, and my colleague can see from this chart that the growth rate of government spending since we took over in 1995–1996 is the first fiscal year budget we worked with, the growth rate of government spending is on the way down.

I think it is reasonable to ask what has happened over these 3 years and what has that led to in our budgetary process? When we got here, just like they had a blue line what they were supposed to do, we got here in 1995 and laid out a plan to get to a balanced budget. This blue line shows how the deficit was supposed to go to zero by the year 2002. And virtually all Americans will remember the promise we are going to balance the budget by 2002. I remember it because when I said that groups that we were going to balance the budget by 2002, they all snickered. After all, the promise had been broken in 1985 and in 1987 and in 1990 and in 1993, so they were looking at us like, "Why would we believe that you are any different than the last group?"

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, I actually had an interesting case in my district last year. I visited a number of plants in my district, and I remember the date because it was the date we started the Teamsters investigation. Talk about waste. That is $20 million that the taxpayers paid to run the Teamsters election in the U.S. and in Canada. The taxpayers paid for it.

I was at a plant the day that that election got thrown out, and I was taking them through some of the numbers and explaining to them that by 2002 we were going to reach balance or surplus. It was a small plant and one of the guys just started laughing and said, "Sure."

Well, I went back. I went back the first week of September of this year and told them that by the end of the month, by September 30 when we close our fiscal year, he was right. He should have laughed in 1997, because we did not balance it in 2002; we are actually going to get there in 20 days. In 20 days, we will reach that point where we cross the line, and we are probably past that point already.

Mr. NEUMANN. We are actually well past it. The facts are here is our plan and here has what actually happened. We are not only on track; we are significantly ahead of schedule. For the first time since 1969 for the last 12 months running, this government spent less money than they had in their checkbook. That is just a monumental change in the way things have been done. I should say it again because it is that significant. For the first time since 1969, this government spent less money than they had in their checkbook for the last 12 months running.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman would yield, I do not think we can lose sight of how important that is. I mean, we hear, and I was just reading one of the newspapers, it is kind of like it is a do-nothing Congress. Have not gotten anything done. If we would have told people 2, 3, 4 years ago that by 1998 we were going to reach surplus, they laughed, they said no way. And this Congress has already will have done something that no Congress has done for 30 years.

Not only that, and the gentleman may have some other charts that will get to that later on, but I believe we

are at the threshold of creating a generation of surpluses that actually enable us to move, that this will not be a blip. But if we keep on track and go after wasteful spending, restructure and work on Social Security and other entitlement programs, we will have a generation of surpluses that will enable us to pay down the debt and reduce taxes and get a government that actually works better and more effectively and is more efficient at serving our constituents.

So we have fundamentally changed the debate here in Washington in the last 24 months. We have moved from a debate about how we are going to get to balance to a debate about how we are going to pay down the debt, how we are going to lower taxes, how we are going to free up more money for investments in jobs for our generation and the next generation.

We have fundamentally changed the debate and the outlook for America. Huge strides. But they are saying, it is like "What have you done for me lately?" What we have done for them lately is we have balanced the budget.

Mr. NEUMANN. Mr. Speaker, I would like to translate this into what it means for an average American out there. When I look at this chart and I see the spending growth rate going down, this distance from here to here not only means a balanced budget. It means something in families all across America. Because since we did not spend this money in the government, we were able to take that extra money and lower taxes with it.

For a family out there in America today if they are a middle-income family with kids under the age of 17, next year when they do their tax return they are going to get a $400 tax refund for each child under the age of 17. If they have a college student, they are going to get up to $1,500 in a tax refund.

This is not a tax deduction. This is not fiction. This is not a political promise. This has been passed into law. They are going to get $400 per child in a tax refund in a check back from the United States Government and up to 1,500 to help pay for college tuition.

It does not stop there. Stocks and bonds. If Americans bought investments, and the stock market has gone up dramatically. Even with the recent decline, we are still significantly ahead are where we were 3 years ago. If they sell some of that stock and make a profit, they used to pay 28 cents on the dollar to the government. Now they pay 20; that reduction of capital gains is very significant for all kinds of folks.

A lot of times I talk to groups, and seniors in the group go, "What did you do for us?" I go, well, stop and think about this. Most seniors own a home. In Wisconsin, at least it is in the 70 percent range.

□ 1945

We eliminated all tax on the sale of all homes in America for all intents and purposes. Unless your home is a very, very large mansion type, worth $500,000 or more, there is no tax when you sell your house anymore. What a significant change.

A senior citizen who took the one-time age 55 deduction or exclusion bought another house and now sells that other house, there is no taxes on it anymore. That is what this is about.

This chart, it is a nice chart to show the red to the blue and then down, but it really needs to be translated into what that really means for Americans all across this country.

I want to jump from there into another very important discussion and that is Social Security.

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

Mr. NEUMANN. I am happy to yield to the gentleman.

Mr. HOEKSTRA. Mr. Speaker, if you take a look at spending growth, I just want to point out we are still, I think, growing faster than what you and I might think is necessary.

Mr. NEUMANN. And faster than the rate of inflation.

Mr. HOEKSTRA. Still faster than the rate of inflation. Let me give you just a couple of examples. We are going to vote on a bill tomorrow, I believe, on dollars to the classroom, our colleague from Pennsylvania. And for the last 18 months, we have been taking a look at Federal education, our role and the impact that we in Washington are having on K through 12 education.

We are taking a look at what happens when a dollar comes from the local level, goes to Washington, and since it is about educating kids, the kids are back at the local level, we have got to get the money back there. We are taking a look and saying, when we get a dollar from the local level, what actually happens to it.

We find out that it goes through 39 different agencies, hundreds of different programs, and we find out that we lose about 30 to 40 cents of every dollar. We lose it because of the bureaucracy here in Washington. We lose it because we get the money, so then we have to communicate back to a school district that we have got these programs available. They then have to apply for it. We then have to review the applications and decide who gets the money and who does not.

Mr. NEUMANN. Mr. Speaker, reclaiming my time for just a minute on this discussion, help me understand why it is that, as a taxpayer sends their money to Washington, and Washington decides how to best provide education for those kids back home, what exactly is it in the water out here or what is out here that makes us smarter than the local parents and teachers and community? Why would we think that anybody in Washington knows better how to educate our kids in our home communities than the people in those communities do? Is it something out here that makes people brighter or able to better provide the education? Why would parents not be best prepared and best able to make decisions for the education for their own children? Why are we taking those dollars in the first place is the question?

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, you know the process that we have gone through. We have held hearings here in Washington to outline, figure out this process.

The other thing we did was we went to the local level. We have held hearings in 16 different States. We asked that basic question. We asked them, what value is Washington adding to your educating your kids locally? The answer came back, we like your money, but other than that, you are not doing much for us. As a matter of fact, in some cases, you are hurting us because what is happening is you are sending us some money that we need, and we are spending it the way you are telling us to.

But if we really looked at the kids in our classroom, if we looked at the kids in our community and identified what we really wanted to do with that money, we might spend it on something else.

So what we are going to do tomorrow with dollars in the classroom is two things. We are going to not increase Washington spending, but what we are proposing is saying, instead of 60 to 70 cents of every dollar getting back to the classroom, let us get that to 95 cents of every dollar getting back to the classroom. That is a 25 percent increase in Federal spending without us spending anymore because we are just being more effective and more efficient in how we get that money down there.

Mr. NEUMANN. Reclaiming my time, I just want to bring out one story on this because it is so important. I was in Augusta, Wisconsin, and the superintendent of schools came to one of the meetings we were at there. Obviously the person was extremely interested in education and working very hard to provide a good quality education for the people and for their kids there.

He said to me, MARK, how can I get Washington to free up this money that is supposed to get to our school system? And immediately a light bulb went on inside my head. I am thinking here is a person who is genuinely interested in the education of his kids in his community, and he is at this meeting talking to me about how he can get Washington out of his hair so he can just do his job.

Why should this superintendent in schools be worried about a fight in Washington as opposed to being able to dedicate himself full time to the education of those kids. If we can get 95

cents of every dollar back to the classroom, and, by the way, I would prefer dollar for dollar, but if we even get 95 that means a dramatic reduction in the bureaucracy.

It means almost $9,000 per school is going out there in the form of a check, and instead of a superintendent like this one having to fight with Washington for the money, since we have no longer the bureaucracy to tell them exactly what to do with the money and fill out the papers and so on, they are going to have to make the decisions themselves in their own local community as to how to best spend their money.

It is $9,000 more per school, every school on average just by eliminating this bureaucracy on the bill we are going to pass tomorrow. I think it is a tremendous bill.

Mr. HOEKSTRA. If the gentleman will yield, because the other destructive thing, you have touched on it, the other destructive thing that happens when we send this money to the local school district, we send it with all the strings attached. We now get school boards, superintendants, and school administrators who serve two masters. They serve the master in Washington who tells them what to do, who does not know where Augusta, Wisconsin does not know whether it is near Green Bay or near Madison or whatever.

Mr. NEUMANN. Eau Claire, near Eau Claire.

Mr. HOEKSTRA. So they are serving two masters. Really the school administrators should be not serving a master but should be working with the parents and the community leaders and their community designing school programs that are most appropriate for the specific needs and the special challenges and the special opportunities for kids in their community.

They do not need to be looking to Washington or trying to figure out, you know, this is what Washington wants me to do, but I know this is what we want to do in this community. How do I reconcile these things. They ought to be solely focused on building their schools with their local community leaders and their local parents.

Mr. NEUMANN. Reclaiming my time again, I would like to ask my friend from Michigan that all important question, have you seen anything in your years here in Washington that would lead you to believe that somehow because we are here in Washington we know better for that school system out in Wisconsin what is best for their kids and how to best education their kids?

Is there any good reason that we should ask these people to spend their time filling out requests for money and grant proposals as opposed to just simply sending it to them and saying, okay, gang, it is your kids, it is your community, it is your parents, why do you not all make the decision in what is best for your kids.

Mr. HOEKSTRA. Mr. Speaker, if the gentleman will yield, that is the reason we have went around the country. We have been in L.A. We have been in Phoenix. We have been in Chicago. We had the hearing in Milwaukee. We have been in Cleveland. We have been in Milledgeville, Georgia, a small, little town. We have just been in Tennessee.

What you find, we do not know anything about what needs to happen in those schools compared to the parents and the teachers and the administrators who have come in and have testified. And they are passionate about their kids.

We have seen success stories. All of the success stories, all the great things that are happening in these kinds of schools are where the focus is on the kids. And the focus effort is between the school administrators and the parents and other people in that community and the business leaders all taking a look at their community and understanding what is going on in their community and putting together a program for their community.

They kind of scratch their heads, and they ask the same question that you asked, why are you in Washington trying to tell us what to do in our community? We know our kids. We know our population. We know the special needs that we have. We know the opportunities that we have. Why do we have to try to fit, you know, our peg into your round hole when there is a disconnect. Because in Washington what do we try to do, I will give us credit. It is not good credit. But I mean we recognize that there are different means out there. So we have created 760 different programs.

Mr. NEUMANN. With 760 different bureaucracies to run the 760 programs.

Mr. HOEKSTRA. That is right.

Mr. NEUMANN. All of them getting money that should be in the classroom helping the kids.

Mr. HOEKSTRA. That is right. That is why there is a tremendous opportunity to increase spending or to increase the effectiveness of our current spending without spending any more money.

The issue here for so many of our programs, I want to give you one example, you will love this one. Today we had a hearing on the labor department, a program called trend setters. Remember that word. This is trend setters. This was where the labor department was trying to identify apparel companies that were meeting certain criteria and these types of things.

We questioned whether the labor department actually had the authority to put together this type of trend setter list. Well, to be a trend setter or to make sure that the labor department was a trend setter in how they communicated this information to the public, they created a web page. All right. So they are on the net.

They stopped the program, they said, because of some criticism. They stopped the program in March of 1997. The program went dormant 1997. We had a copy of their web page from March of 1998, and we ran off their web page this morning. This is a program that was dormant. So supposedly they had done no work from March of 1997 until today. They had done nothing to update or modify this list.

Now, I was looking at the list. There was the web page from March of 1998, a year after they stopped the program, to September, and the list of trend setting companies had changed. I asked the question, I said, can you explain to me, if you have done nothing to this program, how the list of companies has changed from March of this year to September of this year.

They said, well, you know, maybe it took us that long to update our list. And it is kind of like, excuse me, you are on the net. You are in the information age. You have a trend setter list. You have trend setting companies. The last time you updated your list was March of 1997, and it took you at least 12, and it maybe took you 15 months to update your web page.

Mr. NEUMANN. With all due respect.

Mr. HOEKSTRA. And we are paying for this.

Mr. NEUMANN. With all due respect, it only took 15 months? Is that a new accomplishment?

Mr. HOEKSTRA. It only took them 15 months to update the web page of trend setter companies. I just want to know how much money we are spending on a program like that. The gentleman and I both know there are tremendous opportunities here in Washington to find additional savings to build up a surplus, increase efficiency, and move on to what you want to talk about, which is saving Social Security.

Mr. NEUMANN. Right. Again, I think we have to go back to this understanding that, when people out here talk about cutting spending, they do not actually mean they are cutting spending. They mean, instead of letting the growth rate be double the rate of inflation, they are cutting it back to just the rate of inflation. Again, when I talk to folks out there in America, I cannot find people that think government should grow faster than the rate of inflation.

Mr. Speaker, I do want to move on to Social Security.

Mr. HOEKSTRA. Mr. Speaker, one minute. The reason they do not believe that government should grow at the rate of inflation is that, when they get their paycheck at the end of every week, they find that 40 percent of it is going to government at one level or another, and if we are growing it faster than inflation, it means that that number is going to keep going up. They want that number to go down.

Mr. NEUMANN. Right.

Mr. HOEKSTRA. They want it to go down significantly. We can make it happen just by making government more efficient.

Mr. NEUMANN. Let me jump from there into Social Security. You mention their paychecks. At the end of each week, people do get a paycheck. Part of that money goes into Social Security. I would like to just talk through what is happening in Social Security so we understand how this relates to that overall picture we start talking about, which is surpluses and a balanced budget.

Social Security this year is going to collect $480 billion out of the paychecks of workers all across America. It is paying back out to senior citizens and benefits $382 billion.

If you think about this for a minute and think about your own checkbook, forget about the billions for just a minute, if you have got 480 bucks in your own checkbook, and you write out a check for 382 bucks, your checkbook is fine. If you have $480, and you write out a $382 check, as a matter of fact, you have got $98 billion left over.

That is exactly what is happening in Social Security right now. It is collecting $480 billion. It is paying $382 billion back out to seniors in benefits, and that in fact leaves a Social Security surplus of $98 billion.

It is funny, when I am out of town in meetings, I say, does anybody want to take a shot in the dark of what our government has seen fit to do with that $98 billion? They all just start laughing around the room, and then somebody will say it. They spent it.

The reality is that we have been, the government, before we got here, had been collecting this extra money for years. In fact they have been spending it on other government programs and putting IOUs, technically they are called nonnegotiable Treasury bonds, into that trust fund instead of real money.

Let me be very specific on how this works. That $98 billion extra that is collected for Social Security, they put it into, and think of this middle circle as the big government checkbook. So take the $98 billion and put it into the big government checkbook.

Now, remember, since 1969, they have been overdrawing that big government checkbook every year. So $98 billion goes into the checkbook. At the end of the year, there is no money left in the checkbook. So since there is no money left in the checkbook, they cannot really put real money in Social Security, so, instead, they simply write an IOU down here to the Social Security Trust Fund. It is technically called a nonnegotiable Treasury bond. Nonnegotiable means cannot be marketed, cannot be sold.

Now the problem with this occurs, of course, if we look back at that other chart with those numbers on it, today we have got more money coming in than what we have going back out to seniors in benefits. But people like my friends from Michigan and I, the baby boom generation, we are getting old fast, and there are lots of us. As we age, what happens is there is not enough money coming in and too much money going out.

□ 2000

When we get to that point where there is not enough money coming in and too much money going out, and we look down here to our trust fund, that is the savings account, and if we think about our own checkbooks again, if we have been saving money in the savings account for a period of years, then all of a sudden we get to this point where we are writing more checks than what we have coming in, that is we overdraw our checkbook, when we get to that point, we might go to our savings account and get our money.

The problem with having IOUs down in the Social Security trust fund is when we get to the point where there is not enough money coming in and too much money going out, where is the government going to get the money to pay back those IOUs? That is a question we need to be asking. Because this turnaround in the income, that is the time when there is more money going out and not enough coming in, that is going to occur in the next 15-year period of time. And it will affect young people, because one choice to solve that problem is to raise taxes. It is going to affect senior citizens, because another choice will be to lower benefits so the IOUs do not come due.

The bottom line is it is a problem we need to be addressing now. So in our office we wrote a bill called the Social Security Preservation Act. This may not seem like a genius bill to most people watching and most of my colleagues out there tonight, but the Social Security Preservation Act simply says that the $98 billion coming in from Social Security ought to go into the Social Security trust fund in real money.

Now, how do we do that? We put it down there in something called a negotiable treasury bond, something any person in America can go to their local bank and buy. I did this myself personally because I wanted to be able to stand in front of groups and say here is how we are going to make this thing work. So I went to the bank, and they took a thousand bucks out of my checkbook and gave me a treasury bond. Now, when I overdraw my checkbook, I will give them back the treasury bond, they will give me back the thousand dollars, and I will put it in my checkbook and everything is going to work. That is how we want Social Security to work, and that is exactly how we wrote the Social Security Preservation Act.

We wrote the Social Security Preservation Act that we put real money, negotiable, marketable, salable treasury bonds, so when the numbers turn around and there is not enough money coming in and too much going out, we go down here to our savings account and we get the money. We cash in those bonds, or sell those bonds, we get the money and we make good on Social Security. That is how the Social Security Preservation Act would work. It is bill number H.R. 851.

Now, I brought something extra along here tonight to help understand the difference between surpluses in Social Security and other general fund government surpluses.

I would be happy to yield to my friend from Michigan.

Mr. HOEKSTRA. Before I leave, I would just like to thank the gentleman for leading this discussion tonight. We really now are at the threshold of putting in place a real plan to ensure that future generations will not have to increase taxes to maintain the Social Security benefit levels, and we will not have to reduce benefits for seniors.

As we are getting the surplus and getting to balance, we really have the opportunity to start addressing this, and I think this Congress has laid the framework for it and we are going to move forward on this debate and I think come up with some real positive solutions.

The gentleman has been instrumental in doing two things: Instrumental in getting us a surplus and instrumental in getting us and keeping us focused on what we need to do to ensure the long-term life of Social Security. I thank the gentleman for the time that he has shared with me tonight.

Mr. NEUMANN. I thank the gentleman for joining us.

As we return to this chart we had up here before, when we talked about the Social Security money actually going into the Social Security trust fund, I have added a line in this chart, a black line. And what that does is wall off this Social Security money and forces it to go into Social Security instead of into the general fund.

So, now, let us talk through these surpluses one more time that everybody keeps hearing about in America today. Part of those surpluses is this Social Security surplus, but there is another fund, it is called the general fund. Think about it again as the big government checkbook. This general fund is now going into surplus as well. So when we get done writing checks at the end of the year, if we have money left over in that general fund, we need to start asking the question what gets done with that portion of the surplus.

First, the Social Security surplus actually goes into Social Security. That should not be touched. There are proposals out here, right now, today, as I

speak, and this is why I said it is so important to understand that even as the rest of this is going on in Washington, the Starr report and the potential impeachment of a President, those are very, very significant issues for the United States of America, but there are also other things happening simultaneously with that and it is important that we do not so focus on one that we forget something else that has happened and, in fact, wind up getting Social Security money spent on new government spending.

Today I had a proposal laid in my hands that was going to spend $16 billion of this Social Security money on new spending. And they have a very unique method of getting around the spending caps to spend this new money. And I had another proposal laid in my hands that effectively went into the Social Security money and said, okay, we are going to use the Social Security surpluses to cut taxes. Neither one of those are okay. The Social Security money belongs in the Social Security trust fund, period.

But when we get to a surplus in the general fund, this other account, we should be asking ourselves, what are we going to do when we are in surplus in the general fund. I have two suggestions: First, I think it is important that we make payments on the Federal debt. After all, our generation has run this debt up primarily over the last 15 years, and it seems reasonable to me that we should make payments on the Federal debt and pay it off, much like we would pay off a home mortgage, so that we can give America to our children debt free.

Just think about this as a goal for a generation. Would it not be nice if we could pay off the debt so we could give our Nation to our children absolutely debt free? There is a significant benefit of paying off that debt. As that debt is paid off, this money that is left over from the big government checkbook, some of it goes down here to Social Security, because part of that debt is the Social Security IOUs. So as we make payments from the surplus, from the general fund, part of the money goes directly back into Social Security.

I want to say that again, because that is so important. Social Security money is set aside. When we reach surplus in the general fund, part of the surplus should be used to repay the Federal debt. Part of the Federal debt is the Social Security IOUs. So as we start paying down the debt, those IOUs in the Social Security trust fund get traded in for real money and Social Security becomes solvent at least to the year 2030.

What about the rest of that surplus over there? Well, I think it is clear to most Americans that the tax rate is still too high. I think we should be talking seriously about significant real tax cuts. We have laid a proposal on the table that assumes revenue keeps going at approximately the rate it has been growing, maybe a little slower, and assumes we hold spending in line. If we do that, we can be looking at repaying all of the IOUs in the Social Security trust fund over the next 10 years and reducing taxes by as much as $1.5 trillion. That is $1,500 billion. It is a huge sum of money available for tax cuts.

Now, as we talk about these tax cuts, again funded out of surpluses from the general fund that accumulate because we have spending under control, let us just talk about some things we might do. Let me start for seniors.

I think we should be looking at eliminating the earnings limit. What happens under the earnings limit is, if a senior citizen voluntarily decides to stay working, after they have earned $15,500 the government starts decreasing their Social Security by $1 for every $3 that they earn over $15,500. I think we should immediately raise that earnings limit that seniors are not penalized for voluntarily staying in the work force.

Secondly, and again for seniors, as most people know, in 1993 the taxes on Social Security benefits were raised from paying taxes on 50 percent to 85 percent. I would like to go a couple of steps here. First, I would like to roll back the 1993 tax increase on seniors, and then I would like to get rid of paying taxes on Social Security benefits all together. After all, people have paid into this account for all of these years. Why, now that they are getting this money back out, should they be paying taxes on the amount they get back out?

If this does not seem reasonable, think about the Roth IRA. The Roth IRA is set up exactly that way, that we put our money in now, and when we take that money back out later on, we pay no taxes on it. So why can we not provide that same benefit for senior citizens today? And as we start looking at these surpluses materialize because we have controlled government spending, roll back that tax on Social Security all together.

Let us talk about another one that I think is extremely important. This one is not as much for seniors as it is for some of our younger folks. In America today, if four people work at exactly the same job and earn exactly the same money, and two of them are married to each other and two of them are living together, and without passing any social judgments, which we might do, but without doing that it seems totally unfair that the two that are married to each other pay more taxes than the two that are living together. It almost seems backwards in the society we live in today.

So I think we should end the marriage tax penalty. It does not seem reasonable in our society today that we should penalize people for being married. Instead, we should maybe think about doing just the opposite. But certainly we should eliminate the marriage tax penalty.

Let us talk about another one. We have a hard working friend. They have worked hard all their life, they have saved money and, as a matter of fact, they have made investments and the investments have done well. This is America. And by the way, there are lots of folks out there like that, and I sincerely hope that those opportunities remain available in this country. I hope that is what our service to this country is all about, that those sorts of opportunities remain available.

So they have gone all through their life, they have saved money, and they have this nice estate. Today, when they pass away, that estate is passed on, a significant portion is passed on to the United States Government. Why exactly should people work hard all their lives, save up money, and pass a good portion of their estate on to the United States Government instead of to their children? That does not make any sense.

So as we start looking at additional tax reductions as we go forward, let us roll back that estate tax so that if somebody does work hard all their life and accumulate assets, that they can pass those assets on to their children or heirs instead of giving them to the United States Government.

Let us talk about one more, and I think this is perhaps the most important of all. Why do we not look at across-the-board lowering the overall tax rate on American people. The government is collecting more money today than what it is actually spending out of its checkbook, so why can we not roll back the excessive tax burden that is out there?

About a generation ago, when I was just born, or a year or two old, the tax rate on Americans was about 25 cents out of every dollar they earned. This included State, Federal, local, the whole shooting match. It was about 25 cents. Today, that number is in the range of 37 cents, maybe as high as 40 cents. So what exactly is it that government is doing today that they did not do a generation ago? Just think about this for a second.

We had defense a generation ago. We had education a generation ago. We were concerned about our environment a generation ago. We had many of these programs. We had Social Security a generation ago. What exactly is it that government is doing today that we want government taking an extra 12 cents out of every dollar that we earn for what government does? Why can we not roll back that tax burden and at least get it back to where it was a generation ago so our government does not collect more than 25 cents out of anyone's pocket for taxes? Why can we not

get these sorts of things to happen as we keep this government spending under control?

It comes back to that one central theme. When we were first elected in 1995, and we looked at that 1993 tax increase, we all understood that raising taxes was the wrong answer. We understood the American people did not want a bigger government that spent more and more of their money and took more and more out of their pockets. We understood that the American people wanted us to get that government spending under control, go after wasteful government spending and get rid of it and get this government back to a point where it allowed the American people to keep more of their own money in their own homes to decide how they are going to spend it on their families. And that is what has really been going on here.

That is probably a good way to sum up my hour this evening. It is so important, as we look forward to the next generation, first, that we make sure Social Security is safe and secure for our senior citizens. Every senior should be allowed to get up in the morning knowing that their Social Security is safe.

Second, as we look for another goal for a generation, pay off this debt so we get to a point where our children could inherit a debt-free America instead of being saddled with the burden of a $5.5 trillion debt and $580 a month interest payments on that debt. So as we look at this goal, let us pay down the Federal debt much like we would pay off a home mortgage and give America to our children debt free.

And, third, on the economic side here of our goals as we look forward, let us do everything we can to get the waste out of government so that we do not need the money from the pockets, the hard-earned money from our workers out there across America. Let us get that tax burden back down to where it was a generation ago.

That is really what I think we should be working on and where we should be going, even in the face of what we are dealing with right now. We need to keep in mind these central goals: Social Security, pay down the debt, lower the tax burden on Americans, and at the same time as that, we will, in a very solemn way, do what is the responsible thing to do, do what is right for the future of this country as we take great pains to do it properly, as we review the Starr report over the next few days. But we cannot let that dominate us to a point where we lose track of all of these other things that are so important to so many Americans over the course of the next few days and the next few months.

Mr. Speaker, I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Speaker, I just wanted to commend the gentleman for the leadership he has provided in the House ever since we came to Washington together. We were elected in 1994, a part of that freshman class that turned the majority over to the Republican Party. And as a member of our class, I think the gentleman has been one of the most articulate and outspoken Members on the critical issues of cutting wasteful spending, restoring honest budgeting to our government and, most importantly, protecting and preserving Social Security.

□ 2015

And the reason why that last issue is an issue that is of tremendous interest to me is, I represent a district in Florida, it is the east central coast of Florida, and I have a lot of senior citizens in my district, many of whom are dependent on their Social Security check; and I think it is critical as we approach the close of this fiscal year that we look at the proposals that my colleague has on the table. And I am a cosponsor of the Social Security Preservation Act that my colleague have introduced.

And I just wanted to ask the gentleman from Wisconsin (Mr. NEUMANN) a couple of questions if time allows. This process of taking the money that is in the surplus and how that is borrowed out as a non-negotiable Treasury note, was that the way the original Social Security Act was written under FDR back in the 1930s?

Mr. NEUMANN. Mr. Speaker, reclaiming my time, the laws changed in 1983. In 1983 they increased the amount of money that was withheld from workers' paychecks because they knew the baby-boom generation was going to get to retirement. And the idea was, by increasing the amount withheld in 1983, they would start accumulating these things.

But in answer to the question of how they do this, they were doing it the same way since the beginning, or since 1983 at least, but it was not until the early 1990s that the surpluses started to get very large. And see, that is where the real problem has come in is that the surpluses are now in the range of $100 billion a year. We are now in that part of the bubble, so to speak, where we are supposed to be putting lots of money aside into the savings account so that when we get to 2012 or 2014 and there is not enough money coming in, that we can go and get that money out of our savings account.

So what kind of bonds they put in before 1983, I cannot tell my colleague. I can tell him that since 1983 they have been putting in these non-negotiable Treasury bonds. And had they not taken the money, had they put real money in there instead of IOUs, there would be about $750 or $800 billion in Social Security right now today.

Mr. WELDON of Florida. Mr. Speaker, if the gentleman would yield again, in addition to speaking out in support of preserving the Social Security program and establishing honest budgeting and I think taking the Social Security Trust Fund off budget and stopping the process of borrowing the money out each year is part of what I consider honest budgeting, I think my colleague's speaking out in support of reducing the tax burden on working families and middle-class families is very important.

And one of the items that my colleague mentioned I think is a particularly important issue, and that is getting rid of the death tax, the so-called death tax or inheritance tax.

And another issue in my district is, I represent the east central coast of Florida, and I have a lot of suburban communities along the coast, but I have a lot of ranchlands, and I have a lot of these orange groves and citrus planters and cattle ranchers; and they are having a terrible time when they want to pass essentially the family farm, in Florida we call it the family grove or the family ranch on to the kids, the tax burden sometimes is so prohibitively bad that they literally have to sell the farm in order to be able to pay the tax bill because it frequently gobbles up a third of the land or a third of the valuation of the land.

And this is just wrong. This is not the way our American tax code is supposed to work, where we are forcing family businesses to have to sell to pay a tax bill, a family ranch to have to be sold off or farm or orange grove or grapefruit grove.

And I thoroughly support, and I was very pleased to hear my colleague bring up this issue of getting rid of the death tax, along with some of the other things he mentioned, the marriage penalty. And again, I just want to commend him.

I was sitting in my office doing some paperwork, and I was listening to what my colleague was saying about Social Security, and I wanted to come down and personally commend him for the leadership and the direction that he has provided not only our class, the class of 1994 but, as well, the whole Republican Conference.

My colleague has had an impact on these issues, in my opinion, far above any of the other Members, and I congratulate him for that.

Mr. NEUMANN. Mr. Speaker, reclaiming my time, I want to make sure this is clear. This is not about me and it is not me that did this. We did this. A lot of new Members that came in in 1994 feel very strongly about this and we have done this together.

But it is not even us that is doing it. It is the American people that understood in 1993 the idea of raising taxes was wrong. They understood that the problem here was not that government was not getting enough money out of their pockets. They understood that

government spending was growing out of control on all sorts of wasteful programs.

It was really the American people that made a decision to make that change that led to people like my colleague and I being here that has resulted in these changes that are now just starting to take hold and really brought about this change for America. So I do not think it is us. I think it is the American people that deserve the credit for this.

STATUS OF CONDITIONS IN RUSSIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to take some time to discuss a major crisis that this country is going to have to deal with. And I know the topic of discussion all across America tonight is the delivery of the report by Kenneth Starr involving potential allegations against the President of the United States. But I am not here to discuss that, Mr. Speaker. Actually, I am here to discuss another issue that is simmering and potentially could cause not just problems internationally, but severe problems here in America as well, and that is the status of conditions in Russia and actions that this body is going to have to take involving the Russian people and the Government of Russia before the end of this month, before we adjourn.

Mr. Speaker, this past Tuesday evening I returned from what I believe is my sixteenth visit to Russia during the course of my lifetime of interest in Russia, the country and its people. This trip was one that was requested of me by my counterparts in the Russian State Duma, the equivalent to our Congress.

They had asked me to come a week earlier to discuss ways that perhaps we could assist in further understanding the problem that Russia is experiencing now in terms of their economic instability, the political instability, and my own personal interest, the potential military instability within the boundaries of Russia. I went there with those three ideas in mind.

As the chairman and founder of the Duma-Congress Initiative, which for 2 years has been the formal relationship between the Congress of our country and the State Duma and the Federation Council of Russia.

In arriving in Moscow, Mr. Speaker, I was amazed to see the lines of Russian people who were gathering at banks all over the city attempting to go in and receive and remove their savings, in many cases their life savings; and the frustration of those people was that they could not take their own money out because in the banks in Russia today their accounts have been frozen.

And at the same time their assets have been frozen all over Russia and they cannot remove the rubles they need, the costs of just living in Russia are increasing dramatically as the ruble has been devalued and the cost of goods and services in Russia has increased dramatically.

In fact, during the 6 days I was in Moscow, when I checked my hotel bill on checking out, I saw that the cost of my room went up each evening because of the problems with the ruble. In fact, in one comparison, I had eaten breakfast in the hotel, which was a buffet breakfast, a standard fee charged to everyone who went into the hotel, and on one day it was 500 rubles; the next day the exact same breakfast was 750 rubles.

Now, I was able to absorb the increased cost for the short period of time that I was there. But, Mr. Speaker, you could imagine what is happening all across Russia as literally thousands and millions of Russian people today are very much concerned about whether or not they are going to be able to buy the goods and the services to allow them to maintain their quality of life.

And then when they add to that the impact this current economic crisis is having on the Russian military, it presents real problems not just for Russia, but for America and people around the world. Because the people in the military who have seen significant cutbacks in their funding base have particular problems because they do not have decent housing, many of the senior leaders of the former Soviet military feel betrayed because they have not been given their pensions and, therefore, the situation has led to a real morale problem, problems which jeopardize in some cases the security of Russian nuclear materials, nuclear arms, and conventional weapons.

In fact, just in the past several months and years, we have seen increasing incidences of Russians illegally transferring technology to other nations. Over the past several years, we have seen very sophisticated guidance systems for long-range missiles being transferred from Russia to Iraq.

We just this past summer saw evidence of Russian cooperation with Iran to build a new medium-range missile, which now threatens all of Israel. And we have seen continued cooperation in some cases with rogue states to allow technology involving chemical or biological weapons to leave Russia because the right price has been paid. So the problems of Russia economically are problems we have to face up to and problems that we have to deal with.

Now, because of the current crisis and instability within the banking system and the instability of the ruble, there have basically been aggressive efforts by the central government and Moscow to put some temporary holds on the slide the ruble has taken over the past several months. And that has not really worked. In fact, at this very moment, the ruble continues to be devalued in terms of the international community.

The problem is that this country has basically supported over the past several years $22 billion in IMF funding that has gone into Russia that was supposed to help stabilize the ruble, that was supposed to stabilize the economy of Russia, that was supposed to provide jobs for Russian people, that was supposed to help the Russian people improve their quality of life.

But as we have just learned during the past summer and even more tragically by the accounts of the comments of Anatoly Chubais in today's newspapers, Russia has largely squandered that money. $400 million that was supposed to go to the Russian coal industry to help stabilize the jobs of coal miners and stabilize that industry largely went into a hole, ended up in Swiss bank accounts, large properties being bought along the Riviera, in some cases U.S. investments.

In fact, Mr. Speaker, what we are learning more and more each day is that much of the significant dollars that the IMF and the World Bank have put into Russia have not accomplished their intended purpose. And, in fact, in many cases there has been outright corruption, there has been theft by international financial dealers, by the oligarchs who run the seven major banks in Russia, to the point that this help that we and other nations have provided has not been beneficial to the Russian people and there is currently a state of severe frustration.

Now, our problem in the Congress, Mr. Speaker, is that the President is asking us this month to approve replenishment of IMF funds that have gone into Russia. That replenishment amounts to approximately $6 billion.

The Congress has not acted on this replenishment for almost a year because of the concerns of many of us, including myself, that the IMF money going into Russia has not been used for the right purpose, that in fact many of the institutions supported by the Yeltsin administration, and in fact supported by the Clinton administration because of its support for the Yeltsin administration, have ended up having that money being ripped off and not benefiting stability in Russia's economy.

And so, with that in mind, and wanting to see Russia succeed, as someone who spends a great deal of time working proactively to assist Russia in stabilizing itself, but who is also probably Russia's toughest critic when it comes to proliferation and when it comes to

our military relationship and lack of control of arms that are being shipped out of Russia, I decided that it was time to look at a new way of engaging Russia.

So during the month of August, I sat down and laid out a series of eight principles, principles that this body could pass as a part of any IMF funding replenishment to send a new signal to the IMF, the International Monetary Fund, and the World Bank, as well as to the administration of this government that we are not going to tolerate business as usual, that while we want to see Russia succeed and stabilize for obvious reasons, we are not going to continue to support IMF dollars which in the end are American taxpayer dollars because we replenished the IMF to go down a virtual black hole, to allow those oligarchs in Russia and those wealthy individuals to rip off more money to be used for their own private purposes at the expense of stability in this very huge nation, which still has, by the way, over 6,000 nuclear weapons which could very easily be pointed at America at any time and a whole host of additional, probably in excess of 10,000, tactical nuclear weapons, which also could be made available on the marketplace if in fact the right price would be paid.

□ 2030

These 8 principles were simple, Mr. Speaker. They were designed to lay out a strategy that would allow this body to support the President and his request for additional IMF replenishment, but it would say to the President that we are going to provide this funding support but we are going to do it in a new way, a new direction. We are no longer going to tolerate the way that President Clinton and President Yeltsin have allowed dollars in Russia to flow that should have been used for stability in the Russian economy.

The interesting premise, as I get into this, in August was that I knew all along that the leadership in the Russian Duma also opposes IMF funding. Now, one might say why in the world would elected leaders in Russia oppose more IMF funding for their nation, especially with the economic crisis? Well, there are two simple reasons. The first is the same reason that many of us have been very concerned about IMF funding for Russia, and that is the Russian Duma officials and the members of the Federation Council have sat along the sidelines and watched the Yeltsin government allow IMF dollars and World Bank dollars and in some cases U.S. dollars to go into corrupt institutions, to not be used for the proper purpose that those dollars were allocated, and have watched those monies not benefit the Russian people but, rather, a few very, very wealthy individuals, who have unfortunately taken money that should have gone for economic stability in Russia.

The Duma deputies have said why should we support a continued effort for a western bailout of these failed banks and institutions that we, as a nation, are going to have to pay back sometime, because these are, in fact, loans? So the Duma has been opposed and continues to oppose the IMF funding just as many of our colleagues in this body oppose it.

There is a second reason why the Duma opposes IMF funding, and that is because they understand that there are some very difficult and tough decisions and reforms that they have to make. The World Bank, in talking about the release of this most recent tranche of money for Russia, said that Russia has to impose some very tough reforms. They have to stabilize their tax system so it is coherent and so that it is consistent, one that everyone can understand, that will encourage and promote additional business investment.

They have to control the growth of the central government and the regional governments so that inflation is kept under control. They have to provide mechanisms that allow for private property and for land use reform, so that investors can come in to Russia as a free market system and be able to invest their money and enjoy the benefits of free and open markets. These are reforms that in some cases the Duma has been reluctant to support.

Now, back in July, when the first crisis occurred this year, the Duma, in fact, did pass some of the recommendations that were put forth by the Yeltsin government by then Prime Minister Kiriyenko and by the IMF, and those reforms were a partial solution to a problem that continued to grow out of control, but the Duma has been reluctant to support additional IMF dollars because they don't want to make the changes necessary in terms of reforms.

Mr. Speaker, I can understand to some extent why the Duma is reluctant. They see the Yeltsin government not controlling the extent of where these IMF dollars are going and how they are being used, and so, therefore, they are reluctant to come in and make the tough decisions of reform that are so necessary for Russia's economy to stabilize.

Yet, the Duma also wants to see investment come into Russia to encourage the kinds of reforms that have been taking place in the regions. Russia is a very large country. In fact, it has about 89 krais and oblasts and independent republics that are a part of the Russian territory. So in effect you have 89 separate, smaller governments and in many of those smaller governments they are making significant reforms. They are providing for private property. They are controlling their budgets. They are making the tough decisions involving tax policy, and yet they are not being recognized by the international financial community and by this government in the form of support financially.

In fact, over the past year, Mr. Speaker, the gentleman from North Carolina (Mr. TAYLOR), a very successful banker, and I have traveled to Russia four times to work with them on what we think will be one of Russia's key points of success out of these current doldrums they are in, and that is a mortgage financing system.

In fact, Mr. Speaker, this document is the culmination of the meetings, extensive meetings, we have had with the leadership of the Russia Duma and in some cases portions of the Yeltsin government, talking to them about establishing a mortgage financing system similar to our Freddie Mac and Fannie Mae in America.

The idea here is that the Russian people don't want hand-outs. They don't want to be always on the end of the receiving line. In fact, there are many Russians who want to be able to buy a home, buy an apartment or buy a flat, but to do that they have got to be able to borrow the money at realistic interest rates, for terms of up to 20 or 30 years, as we do in this country.

Now, the problem in Russia has been that the 7 oligarchs who run the 7 largest banks in Russia who determine the bulk of economic activity in that nation have been ripping off the Russian people. Now, that's a strong word but I have no other word for it. It is ripping off the Russian people.

The interest rates they have been charging over the past 4 and 5 years have averaged between 15, 25, 50, in some cases 75, percent, and they have not been willing to loan money for housing for more than 2 to 3 to 4 years. No family can afford to buy a property under those conditions.

What we have proposed is a program initially controlled by the U.S., with Russian involvement, that would set parameters that are very similar to the mortgage financing mechanisms in this country.

Mr. Speaker, in the meetings we have had with the Russian Duma and the regional governors who are members of the Federation Council, without exception, they have accepted our ideas. The problem has been an interesting one. The battle has not been with the Russian leaders to agree to this program. It has been with the Clinton administration that hasn't been willing to support this initiative and it has been with the Yeltsin administration that hasn't been willing to put forth support for the initiative as well.

So here we have the two parliaments working together on some novel ideas to help the Russian people and yet because we have this Clinton-Yeltsin relationship focusing on failed, corrupt Moscow-based institutions, the Russian people have not been able to benefit.

So in going to Russia last week, I took 8 principles with me, 8 principles

that I told my Russian counterparts and all the factions of the state Duma, if you enact, following your enactment perhaps we can change directions in terms of the way that we relate to Russia and its economy.

I am here tonight to announce, Mr. Speaker, that my key counterpart in the Russian Duma, Deputy Valentin Tsoy, who is a leader in the regional fraction, and a key ally of Duma Speaker Seleznyov came back with a Russian version, which I have just had translated, that, in fact, has Russia agreeing to 8 major principles, 8 major principles that they have now told me they will pass in the state Duma that we, in fact, can pass in this body to chart a new course in our relationship with Russia.

The concept of this administration dealing with Russia over the past 7 years has been heavily relying on Clinton to Yeltsin and that worked when both presidents were strong and both presidents had the commanding support of their populous. That doesn't exist in Russia today. In fact, most of the polls I have seen show that Boris Yeltsin would be lucky to get 20 percent of the vote if he were up for reelection. He is a very unpopular president.

This President, likewise, has some problems with the Congress, not just because of the current situation involving Ken Starr. We can, in fact, Mr. Speaker, move in a new direction under the leadership of the two parliaments.

Let me go through the 8 principles that the Russian state Duma, in an official document presented to me, have proposed as their response to my initiative, to reform the way international money goes into Russia. Number one, it will be the policy of both this Congress and the Russian state Duma that any additional western monies coming from the U.S., the World Bank or the IMF, should be used on programs such as mortgage credits, such as the one that we have worked on for the past year, and housing construction which will enable the development of a middle class in Russia.

The reason why this is so important is the same reason why what FDR did after the great depression was so important. By establishing financial institutions like Freddie Mac and Fannie Mae, he gave the American people the chance to buy homes at low interest rates over long periods of time, and by creating funds that allow Russian people under very strict guidelines, where reforms have been made in the regions and nationally, reforms involving eviction, and the ability to have mortgages and our real estate industry, we can help Russia create that middle class that has been the key component of a strong America.

Mr. Speaker, as we know, in this country, the middle class is what drives our economy. It is what makes America strong. Russia, largely, has no middle class today.

So the first principle says that any money going into Russia should be aimed at those institutional programs that ultimately benefit the middle class, such as mortgage financing programs.

The second principle deals with the regions, and it simply says that money going into Russia should not just go to central institutions in Moscow. Russia is a huge nation, 89 smaller subordinate governments. Where those governments are making reforms, international monetary funds should be used to encourage continued success in those reforms. That's not been the case under the current administration, under the current IMF policies.

In fact, the second principle deals specifically with that issue and it says that where these real economic reforms are taking place in the region, tax reform, privatization, and land reform, that, in fact, all the international monetary organizations should be looking to support that reform by helping create additional programs that will encourage more of that activity. That principle further goes on to state that the criteria for evaluating the effectiveness of regional economic reform programs should be clearly defined. This will allow the regions to be sure that they will be objectively evaluated and guarantee them the necessary incentives for the establishment of effective economic reform programs.

Now, Mr. Speaker, this comes to the Duma, that this administration and the Russian Yeltsin government have said doesn't want to work with them to help reform the Russian economy. The second principle clearly states a refutation of that fact.

The third principle is a very important one, because it says, and remember this is being proposed to me in response to my initiatives to the Russians, that after a complete auditing, the international financial community and the U.S. Government should stop any and all funding to those institutions ever again. So when we do audits and determine that corrupt banks in Moscow have abused the IMF and the World Bank, they should not be entitled to any additional funding support from any international or U.S. organization, but that principle goes on to further state that not only should those institutions not receive financial resources in the future, but we further state in this particular principle, and I quote, the return of allocated funds from unscrupulous partners needs to be achieved through joint efforts and these funds that are collected need to be redirected toward specific programs that are, in fact, covered by these principles.

So the Duma, in fact, wants to state with us that not only should we cut off funds to corrupt institutions in Russia, but we should go after those corrupt institutions and attempt to collect those dollars that have been misused and allocated in an improper manner.

The fourth principle, Mr. Speaker, is one that we should have done in the past. It calls for the creation of a joint Russian American oversight commission, to monitor all allocated expenditures by the U.S. Government and by the international financial organizations so that the IMF and the World Bank, so that the American funds going into Russia which average about $600 million a year through programs like cooperative threat reduction or Nunn-Lugar, so that every one of those dollars is monitored in a formal, structured way, by a joint interparliamentary commission, made up of the staffs of the Congress and the Russian Duma, the Federation Council and the U.S. Senate; not that we stop those funds because we can't stop IMF dollars, we are only one nation involved in the IMF, but so that we can tell our constituents that we are sure that every dime of money going into Russia in the end is going to the right purpose.

□ 2045

It is going to help the intended problem for which that money was intended. Right now there is no such oversight responsibility, there is no capability for the Congress and the Duma and the Federation Council and the Senate to monitor the ultimate use of these dollars. And that is why the corruption in Russia has allowed hundreds of millions of dollars to disappear and end up in U.S. real estate investments or in other places that benefit those oligarchs and other wealthy individuals who have raped the Russian people and then raped the international financial institutions supporting it.

The fifth reform deals with the IMF, the fifth principle. This principle acknowledges that the IMF is not working right now, Mr. Speaker; something many of us in this body have talked about. But instead of abolishing the IMF, what we say in this joint statement of principles is that the IMF should, within one year, have completed an external study of the way the IMF operates.

An international blue ribbon task force should be convened, made up of some of the world's top financial scholars, so they look at the IMF and the way it operates, issues involving transparency and the way it sends money into countries and comes back and makes specific recommendations for reforming the IMF, and those recommendations then should be acted on by the IMF board.

The sixth principle, Mr. Speaker, is a very important one and one that we have heard over and over again in this body, and it is one that we have heard Boris Yeltsin complain about in Russia that the Duma would never enact, and

that says that any case of investment in Russia must first of all be preceded by the passing of reform legislation; that both the Federal Government and the Regents must continue to enact reforms involving the kinds of issues raised by President Clinton when he was in Moscow last week and by Members of this body, so that we know that the dollars that are going into Russia are preceded by the reforms that are necessary to stabilize that country's economy and those reforms that are necessary to make sure that we have an accurate accounting for every dollar going into both the national and the regional governments.

The seventh principle says that within 180 days the Congress and the Duma will work together to bring in American business interests and leaders and international financial experts who will work with the industrial leaders in Russia who are having difficult problems. Companies in Russia that are bankrupt or that are uncompetitive will be looked at in a one-on-one relationship with specific recommendations being made to those entities about how they need to reform, so they then can qualify for some of the kinds of programs that are available from the international financial community.

The final point, Mr. Speaker, or the final principle, is one that deals with the long-term success of the Russian economy and the free market system. We have to understand, America has been working with a free market system for over 200 years. While we are doing things fairly well, we still have not solved all of our problems. Russia has only been working at this for seven years. They have a long way to go. After having been controlled by a very autocratic, authoritarian central government, they are now being faced with trying to understand how free markets work, and that is not easy.

So our eighth principle is a simple one, and that is a principle that says that the state Duma in Russia and the U.S. Congress believe that a program needs to be established that would, within three years, bring 15,000 young Russian students to American business schools.

If every business school in this country took one Russian student as an undergraduate or graduate student and trained them in financial services, in economic activity, in planning and budgeting, in the business ways that we conduct our businesses, we would create a next generation of young people who would be forced under this program to go back to Russia and live, not stay in the U.S., and help develop a totally free market system.

Mr. Speaker, these principles are in writing. They have been sent to me by my friend and counterpart in the Russian Duma, Deputy Tsoy, and I now challenge this institution and our leaders to rise to the task and challenge Russia to work with us to really reform the Russian economic system. And I propose that we pass these reforms on the same day, what a historic day that would be, for the first time, to have the Russian parliament and the U.S. Congress pass very tough reform principles that would say to both administrations, you have had it all wrong. You have had six and seven years to help that country get its act together, and you failed miserably. Hundreds of millions and billions of dollars have gone down black holes and disappeared. And while we want to see Russia stabilize itself, you are now going to abide by our principles. You are now going to allow us to play a responsible role in determining the end result of those dollars that are intended to help Russia stabilize itself, to help the Russian economy grow, to help create more jobs, to help improve the quality of life for the Russian people. I think we have a historic opportunity.

I would be happy to yield to my friend and distinguished colleague, the gentleman from Florida, (Mr. WELDON), no relative, by the way.

Mr. WELDON of Florida. I thank the gentleman for yielding. I want to commend the gentleman for the work he has done on behalf of U.S.-Russian relations. I know that many of our colleagues are not fully aware that the gentleman speaks Russian and that he has gone over there, and in particular his interest in applying fundamental market principles and economic principles to the Russian system.

I would agree with the gentleman wholeheartedly that the Clinton administration's policies in this arena have been a failure, and that the administration's pursuit of economic reforms has been very, very misdirected and very, very poorly handled.

I was particularly interested in this issue because of the relationship between what goes on in Russia and the success of a program that is very important to the people in my district, and that is the International Space Station program. I know the gentleman sits on the Committee on Science with me and the gentleman has been a supporter of the Space Station program as well.

We are really at a very, very critical stage in this program. The U.S. elements are being completed and are ready to be launched. The Japanese elements are nearing completion. Our colleagues in Europe, the French and Italians and Germans, have spent billions of dollars on their element. And the Clinton Administration, as part of its overall policy towards Russia, put the Russians in what is referred to as the critical pathway, where the whole success of the program is dependent on the Russians delivering to space their elements.

Their performance to date on this program has been sorrowful indeed. It has actually been pathetic. They have repeatedly delayed their performance. They have not had the tax revenues to fund their elements for the Space Station, and it is driving the program into the red, it is causing the program to run behind, and these economic problems that the Russians are facing are seriously hampering the government's ability to collect taxes and to be able to afford to be a key player in this program.

It is just absolutely truly amazing. Here we are today in 1998, where what was formerly one of the world's leaders in space now looks like they are going to be out of the picture completely if they do not financially turn their problems around. And I agree with the gentleman wholeheartedly that the administration's policies on dealing with the Russian economic problems have been very poor indeed, very bad, and that there really is no thriving domestic policy.

I was wondering if the gentleman would just yield for a question, and that is what are the fundamental tax policies in the Soviet union or Russia now? As I understand it, they are suffering from the same problems in Russia that this country was facing in the late 1970's, before Ronald Reagan got elected, and that is the tax rates are very high. Indeed, it is actually much worse in their case, because the tax rates are so high that, whereas in the United States high tax rates in the late seventies played a role in dampening economic growth, in the case of Russia not only has it done that, but as well it has driven billions of dollars of the economy into the black market, and by some estimates more than 50 percent of the economic activity in Russia actually is occurring in the black market.

In your course of going over there, were tax rates discussed? What are the tax rates? Are they punishingly high? Is it playing a role? Would indeed the Russian government collect more money in taxes, as the United States government did when it lowered taxes in the early 1980's under Ronald Reagan, stimulating economic growth and, therefore, though the rate was down, the amount of money that came into the Treasury was much greater because the economy grew dramatically, and so it was a win-win situation, the government had more money.

Could that be applied? Could those principles be applied in Russia? Would the Russian government be well-served to try to lower rates substantially and get more of the economy out of the black market and into the taxable market?

Mr. WELDON of Pennsylvania. I understand the gentleman's question. Let me first all applaud him for his work on the Space Station and space research. He had been the leading advocate in the Congress on that issue, and I applaud your performance on the

committee. It is second to none on that issue. I applaud you personally.

In terms of Russia and its tax policy, the problem has been they have not had a fair, coherent tax policy at all up until this year. They just in fact passed a new tax code this year which they are in the process of attempting to implement.

In Russia in the past, they have had a myriad of taxes. In fact, in some cases American businesses who are attempting to do joint ventures in Russia may have to pay as many as 15 or 20 different taxes to all kinds of different levels of government with no coordination. In some cases an American company would get involved in a joint venture, only to have the tax structure change while they are in the process of completing that venture, thereby causing companies to not want to invest in Russia.

In fact, we did a comparison between western investment in China and Russia over the past six years, and the difference is unbelievable: $350 billion of western investment in China, and during the same period of time, about $10 billion of western investment in Russia. A lot of that was due to an inconsistent, unfair tax code. That now is being changed and the tax code is now being implemented.

The problem Russia has is not necessarily the rate itself, it is the collection of taxes. Everyone in Russia does not pay taxes. There is not a uniform way of collecting taxes, and the wealthier few in Russia who have largely benefitted from the outside dollars coming in from international monetary organizations, in some cases have paid no taxes at all.

Gasprom, arguably the most successful corporation in Russia, which was a private state entity that has now been allowed to operate as a free market institution, was just recently hit by former Prime Minister Kiriyenko because they owe $2 billion in back taxes. Here you had one of the most successful companies in all of Russia, the leading energy company in Russia. They were not paying their taxes. So the Russian government has not done a good job in collecting taxes, especially from those people and companies who have the ability to pay taxes.

In the end, I think your point is well taken, and that is that lower taxes will eventually allow the economy to grow, but at this point in time it is a more fundamental notion. It is an established tax system that is fair, that is equally applied to everyone, that has tax rates that the wealthiest will pay similar to what the poorer people will pay.

Mr. WELDON of Florida. If the gentleman will yield for another question, as I understand it, another critical problem in Russia is the problem of corruption. I have been a student of this for years, and I have long been of the opinion that one of the things that has caused Latin America, Central and South America to lag behind the West in economic growth for decades is this very problem. In particular, it creates a problem for somebody who wants to go into business, whether it be a foreign investor or even a domestic entity. Not only do they have to deal with all these myriad levels of government and their various taxes, but, in addition to that, layered on top of that, is the unpredictable nature of demands for bribery and payoffs in order to be allowed to do business.

In the course of going over there, does that issue come up in discussions? I personally think that is a major impediment in many countries towards economic growth. For a business to succeed, they need stability. You were alluding to that in the tax code. They need to know what their taxes are going to be.

A key element of that stability is honest government. They cannot have government officials shaking them down and members of organized crime syndicates shaking them down in an unpredictable nature, because it obviously can have dramatic implications in terms of a business's profitability, their ability to reinvest profits into their business, to be able to grow their business, thus creating new jobs and prosperity.

□ 2100

Did this issue come up? Was it discussed in the course of the gentleman's trips to Russia? Does the gentleman think, from what he has seen going over there as many times as he has, does the gentleman think they are taking appropriate steps in terms of dealing with the problem?

Mr. WELDON of Pennsylvania. Mr. Speaker, corruption is a major problem. It comes up all the time in discussions with both elected officials and with our companies who are doing business in Russia and who want to do business there. It is a problem that has been caused by a country that was for decades very centrally controlled by a very well established Communist hierarchy. When that basically fell apart, unfortunately, there were some who took advantage of the situation and some who established criminal elements. Criminal activity does exist in Russia and in some cases it is a severe problem.

Now, what has happened, on a positive note, is that our law enforcement community, Louie Freeh from the FBI and others, have, in fact, taken a very proactive role to assist Russia in learning the kinds of techniques that we use in America to deal with the criminal element, both in the corporate setting as well as in the general populous. In fact, in one of my trips last year, Louie Freeh had a significant portion of his FBI establishment in Moscow for meetings with the senior law enforcement officials throughout Russia. So we are attempting, as well as are other western nations, to assist Russia in getting control of criminal activity. But I would be less than candid if I did not tell the gentleman that it still exists and it still is an impediment to future investment.

In the meeting I had with the State Duma and with the Federal Council members, I raised this issue; they are aware of it. They want to move forward. Part of the problem is until they get the economy solidified, people are going to go out and they are going to raise money any way they can to feed their families and take care of their personal needs, and if that means in some cases resorting to criminal activity, it is going to happen.

A case in point is a meeting I had last year with General Alexander Lebed. I had dinner with him this past week in Moscow, but I met with him 4 or 5 times prior to that. As the gentleman probably knows, General Lebed is now the governor of Krasnoyarsk. He and his brother now are the governors of 2 republics which represent one-third of the land mass of Russia. He was a very decorated military leader in the Russian army.

He told me a year ago in May, he said Curt, you have to understand one very important fact. He said, the most capable Russian admirals and generals from the Soviet military have, for the most part, left the service, because of the lack of pay and because of the cutbacks in the size of our military, and he said unfortunately, because of our economic problem, they have not been given their back pay. In some cases they have not been given their pensions. In other cases they have not been given any housing assistance.

So here we have senior military leaders who at one time commanded one of the top 2 militaries in the world when they were a superpower who had access to the most capable nuclear technology, which Russia has today, sophisticated weapons, chemical, biological, nuclear capability, and who now feel betrayed by their motherland. General Lebed said to me, what do you expect them to do. If they feel betrayed by their homeland, they are going to go and raise money any way they can in order to take care of their families. Which means in some cases, these foreign military leaders are the very ones selling off technology to raise money to take care of their own personal needs.

That is why those who say we should not worry about Russia have to understand. We have no choice. We have no choice unless we want to see Iraq and Iran and Libya and Syria continue to get chemical weapons, biological weapons, missiles like we just saw Iran test on July 22nd that have a medium range that can hit any place in Israel that

eventually will be able to hit portions of the U.S.; unless we want to see continued development of nuclear programs by rogue nations because Russians will sell off that technology. The alternative to not helping Russia stabilize is to basically say we are going to turn our back and let them sell off whatever they need to sell that eventually is going to come back to haunt us. We have no choice but to be engaged with Russia.

But the point is, to be engaged with Russia does not mean we take the policy of this administration and basically work only with the President and basically not be willing to discuss the tough issues that confront our 2 countries, and that is a key, fundamental difference.

But the point the gentleman raises is a significant one. Crime is a continuing problem, but I would say that there are aggressive efforts underway to try to assist Russia in getting control of that situation.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding. I again want to commend the gentleman for his efforts in this arena. It is an irony today to be in a situation as a Nation the United States is where our former Cold War adversary is essentially becoming an economic basket case, and I do believe that we as a body are going to have to wrestle with this issue, and the gentleman's comments at the onset of his Special Order tonight I thought were very, very well taken in that we are not going to be able to avoid trying to deal with this.

The Russians still have a huge amount of nuclear capability, and obviously it is a large Nation with a large number of people, and to have the resurgence of a totalitarian form of government like they previously had under the Marxist-Leninist dictatorship totalitarian type of state would be potentially very, very bad for not only U.S. interests, but as well global interests, because as we all know, that government funded all kinds of revolutions and terrorist activities all over the globe for a period of 70 years.

So there is a tremendous amount at stake for the United States to see to it that there is stability in Russia, and because of that, I think we as a Nation and we as a body, the United States Congress, the House and Senate, are going to have to deal with this issue.

Obviously, from my perspective, representing the east central coast of Florida which includes Kennedy Space Center and home to the shuttle program and where we have many people working on the space station program, this issue is very, very critical to what is going on. Russia now has the ability to affect jobs in my congressional district, and the failure of the Russians to perform on the space station could seriously set back the program, which in turn can affect people's lives in Cape Canaveral and Merritt Island and places like Titusville, all of those communities that are around the space center where literally hundreds and thousands of space center workers work and raise their kids and go to school, their kids go to school.

So I think it is very, very critical that we take leadership and to see the leadership role that the gentleman is taking on this issue, and I commend the gentleman for it and his willingness to try to make a difference.

Let me just close with one other question for the gentleman. The gentleman's assessment of the President's visit over there, the impact, I made some inquiries and discovered that the space station program really was not discussed very much. It came up at the last meeting, and the extent of the conversation was, well, we will leave this problem to the experts in that area. I was very disappointed to hear that that was the extent of the President's discussion with Mr. Yeltsin, considering that this is claimed to be a priority for the administration, claimed to be a program that the administration wants to see succeed, obviously, as a cornerstone of our manned space flight program in the United States, but nonetheless it gets an "also mentioned" at the end of a series of meetings and turned over to others to try to work through the problem, when it is obviously a critical problem and it is not being dealt with.

Mr. WELDON of Pennsylvania. Mr. Speaker, the gentleman raises another very valid point. I arrived in Moscow the same day the President was leaving Moscow, and while I did support the President's visit to Russia because we had made the announcement and I thought it would be very ill-timed for him not to go, it would send a very wrong signal that America was abandoning Russia at a time of economic chaos, I do not think much at all was discussed of substance. The agreements that were reached were certainly not earth-shattering agreements in the arms control arena, they were relatively minor additions to a regime that we already have in place, working with the Russians. The space station should have been a major topic because, as my colleague has pointed out, it is a very emotional issue in this body about whether or not we are going to have the ability to continue and complete that project.

I think part of our problem is, and this is something the Russian people may have to deal with, and that is the effectiveness of their President. They are eventually going to have to deal with that issue. I know that is being discussed by many Russians right now, and perhaps that was part of the problem with President Clinton. But I would agree that Russia needs to understand that our continued commitment to their involvement in the space station is very seriously in question right now. We understand the economic problems they are having, but the fact is that we are putting U.S. dollars on the mark, in some cases I think more than perhaps what we originally anticipated, and that Russia is going to have to live up to its part of the bargain, and that should have been a serious topic for discussion by the White House. Why the President did not make that a key issue I just do not understand. It was a very short trip. He was only there for 2 days.

But I thank my colleague for joining with me in this Special Order.

Mr. Speaker, just to sum up, I want to again reiterate that this document was the Russian response to my 8 principles that I took over. It is a solid document.

One point that I did not mention which is worth mentioning to our colleagues because it is significant, in the document and contained within principle 7 is that we should also, through the Commission between the U.S. Congress and the Duma, we also should, and I quote, "prohibit financing of military industrial complex enterprises from investment funds which have been attracted to accomplish social programs for the Russian population." It is another very important principle that we do not use U.S. money and IMF and World Bank money to build more offensive weapons systems, but rather, we use the money to create programs that help people: Housing, mortgages, roads, hospitals, schools. They are the primary intended uses for international assistance to help the Russian economy grow and prosper.

So while the situation in Russia, Mr. Speaker, today is gloomy, being portrayed as being very gloomy by the western media, I think we have an opportunity to chart a new direction. I think this Congress and the Senate and the Duma and the Federation Council can be the catalysts to chart a new beginning in our relationship with Russia.

But I would be remiss if I did not mention one other concern, an issue that I addressed on my trip to Moscow last week. In the 26 meetings that I had in 5 days, I met with over a dozen Duma deputies from all of the various factions; I met with Governor Lebed; with the mayor of Moscow, Mayor Luzhkov on 2 occasions; met with ministers of the Russian government, Minister Kokoshin, defense minister of housing; the minister of northern regions, and was actually in the Duma on the day that they voted down the nomination of Chernomyrdin.

But one other task that was somewhat troubling to me, and I have to mention again today, if for no other reason that this administration is not even talking about this issue. Our relationship with Russia again has been one that I feel has been too heavily dependent on the 2 Presidents personal

feelings towards each other. While that is important, we must build stability beyond just the offices of the President.

In addition, it is my contention that in this country, the administration has been unwilling to confront Russia when problems occur that need to be addressed candidly and openly with a great deal of transparency. In the area of arms control, we have not been willing to confront Russia, and we have evidence of transfers taking place.

Something happened in July that is very troubling to me that this administration should be raising with the administration in Russia. It involved the assassination of one of the senior leaders in the Russian State Duma. I spoke about this issue on the floor of the House the second week of July when we returned from the July 4th break. I spoke about it because the individual who was assassinated had been a friend and a colleague of mine. Lev Rokhlin was the Chairman of the Duma Committee on National Security, the highest elected official in the Russian parliament working defense issues.

□ 2115

He was a very respected Russian, had served in the Russian military, had retired as a two-star general, and had been given the highest award Russia gives to its military personnel, the Hero of Russia award.

In fact, to demonstrate Rokhlin's integrity, he refused to accept the award because at that time the defense minister in Russia was Pavel Grachev, and Lev felt that Pavel Grachev was not an honest individual, was not someone of honor that he felt was appropriate to give him that award, so he actually refused to accept the Hero of Russia award because of who would have had to give it to him.

But Lev served his country well. He ran for the Duma as a member of Yeltsin's own party, Chernomyrdin's party, Naschdom, Our Home is Russia. He won on that ticket. And because the Naschdom party is the second largest faction in the Russian Duma, there are certain committee assignments that they are allowed to fill in terms of the chairmanships. One of those was the chairmanship of the Duma defense committee. Lev Rokhlin assumed that role as a member of Yeltsin's and Chernomyrdin's party.

But in my meetings with Lev Rokhlin, he would always raise the issue of his concern about instability in the Russian military, soldiers not being paid, not being fed. He would say to me, CURT, you have to understand, if they are not paid, these soldiers may do things that cause problems down the road for your country. They may sell off technology. They may get involved in illegal operations.

So he said, you have to understand, it is very important for us to downsize our military in a logical, constructive way. We must maintain the morale of our troops if we are going to continue to downgrade our military, downsize our military in a peaceful process.

Lev Rokhlin was the leading and most outspoken critic of Boris Yeltsin for not providing the adequate funding for that military. Lev Rokhlin a year ago this summer called for the public resignation of Boris Yeltsin. In the fall, he called for the impeachment of Boris Yeltsin, the first elected official in Russia to call for Boris Yeltsin's impeachment. That sent shock waves throughout Russia, because here was one of Yeltsin's own party leaders calling for his impeachment.

I met with Rokhlin in Moscow in November and again in February. I said, Lev, you are making some very provocative statements. Are you not fearful for your safety? He said, CURT, don't worry, they are not going to do anything to me. After all, I am a retired military leader. For 6 months they attempted to remove Lev Rokhlin from the chairmanship of the Duma defense committee. Finally, in June, they accomplished that.

As Lev was keeping his role as a Duma member, but no longer chairman of the defense committee, he was involved in investigating illegal arms sales to Armenia and to other nations from Russia, illegal activity. On July 3rd, three people entered Lev Rokhlin's home and shot him in the head.

When Lev Rokhlin's daughter was called by her mother on the night that he was assassinated, Lev Rokhlin's wife told his daughter that three people came into the house and assassinated her father. The mother further told Lev Rokhlin's daughter, Tamara, that the mother was told she had to accept the blame for the murder or they would murder her, her daughter, their son, and all the family members.

Tamara Rokhlin told her mother, don't worry, I will come over and I will comfort you, and we will find out who killed father. When she got to the home, Mrs. Rokhlin was not there. She was at the local police station. Tamara went to the police station and she saw her mother bruised all over her body, imprisoned. When she talked to her mother, her mother had changed her story. She said, Tamara, I killed your father. I shot him in the head with a pistol in our house.

Tamara said, mother, you didn't. You told me that three people came into our house. You didn't do this. The mother said, I did it. I was the one who killed your father. Tamara then went back and, with a lawyer, assessed the home, looked at the bullet holes, and realized through the evidence that there is no way that her mother could have killed her father, especially in light of the fact that there was a bodyguard in the home for Lev Rokhlin on that night who claimed he heard no shots.

In the ensuing days after the murder of Lev Rokhlin three bodies were found in the vicinity of the Rokhlin household, but before those bodies could be identified, they were cremated by the Moscow governmental authorities. When I went to Moscow this past week on Saturday I met for one and one-half hours with Tamara Rokhlin. I sat there and listened to her and her family tell the story of how her father, awarded the highest award in Russia for service to his country, had been murdered.

The Russian people do not believe the statements of the Russian government, the central government that maintains that Lev Rokhlin was killed by his wife. On the day of Lev Rokhlin's funeral, 10,000 Moscow residents came out in the streets to attend his funeral. The newspaper was filled with stories of people saying there was no way that Lev Rokhlin was killed by his wife.

So my final plea tonight, Mr. Speaker, is not just for these principles involving the IMF and world funding and U.S. funding in Russia, but it is a plea to this administration to live up to its rhetoric. When this administration talks about human rights abuses in China, when it talks about human rights abuses in third world nations, it should also talk about a human rights abuse in a democracy, where an elected leader in their parliament is shot down, I think because of statements he made about the need to impeach the leader of the Russian government. That is unacceptable for any democracy, and it is unacceptable for this country not to talk about this incident openly.

When I went to Moscow, I talked about Lev Rokhlin's murder to everyone that I met. Mr. Speaker, everyone that I met unofficially, off the record, told me the same thing: CURT, we have no doubts. Lev Rokhlin was not murdered by his wife. Lev Rokhlin was murdered by people who did not like what Lev Rokhlin was saying.

The message is simple, Mr. Speaker. If we are going to have a stable, lasting relationship with Russia, we cannot continue to follow the pattern of this administration. Candor and transparency have to be our cornerstone. These principles in our relationship with Russia are the future way to provide stability for that once great Nation.

FACTS AND PROCEDURES CONCERNING REPORT TO HOUSE OF REPRESENTATIVES OF INDEPENDENT COUNSEL KEN STARR

The SPEAKER pro tempore (Mr. WELDON of Florida). Under a previous order of the House, the gentleman from New York (Mr. SOLOMON) is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, in a few minutes I will file a report with the House of Representatives dealing with

information that was delivered to us by the independent counsel, Judge Starr, earlier.

The resolution before us tomorrow will enable the House, through the deliberations of the Committee on the Judiciary, to responsibly review the important materials and to discharge its duty, particularly with respect to the availability of the contents of this communication to Members of Congress, to the public, and to the media.

It is important that the American people learn the facts regarding this matter. As directed by the Speaker, no one, no Member or congressional staff, has seen the communications transmitted yesterday, and they will not until successfully passing this resolution tomorrow.

However, it is the understanding of the Committee on Rules, as outlined in the letter of transmittal from Judge Starr, that the communication contains the following: 445 pages of communications, which is divided into an introduction section, a narrative section, and a so-called "grounds" section; another 2,000 pages of supporting material is contained in the appendices, which may contain grand jury testimony, telephone records, videotaped testimony, and other sensitive material; and 17 other boxes of supporting material.

The method of dissemination and potential restrictions on access to this information is outlined in the resolution that will be before the House tomorrow.

The resolution provides the Committee on the Judiciary with the ability to review the communication to determine whether sufficient grounds exist to recommend to the House that an impeachment inquiry be commenced.

The resolution provides for an immediate release of the approximate 445 pages comprising the information I just mentioned before. This will be printed as a House document the minute that this resolution passes the House tomorrow, and will be available to the Members of Congress, the media, and to the public.

As to the receipt of the transcripts and other records protected by the rules of grand jury secrecy, committees of the House have received such information on at least five other occasions, all in the context of impeachment actions. This precedent dates all the way back to 1811, and as recently as the impeachment of two Federal judges in the late 1980s.

The resolution further provides that additional material compiled in the Committee on the Judiciary during the review will be deemed to have been received in executive session, unless it is received in an open session of the Committee on the Judiciary.

Also, access to that executive session material would be restricted to members of the Committee on the Judiciary and such employees of the committee as may be designated by the chairman, after consultation with the ranking minority member.

Finally, the resolution provides that each meeting, each hearing, or disposition of the Committee on the Judiciary will be in executive session unless otherwise determined by the committee. The executive sessions may be attended only by Committee on the Judiciary members and employees of the committee designated by the chairman, again after consultation with the ranking minority member.

The resolution before us tomorrow attempts to strike an appropriate balance between House Members' and the public's interest in reviewing this material, and the need to protect innocent persons.

I might add, Mr. Speaker, that to show how times are changing, at the beginning of our hearing at 5 o'clock we posted this resolution and my opening statements on the website of the Committee on Rules. As of about half hour ago, there had been over 20,000 access requests to that website. That is amazing, and it shows how communications are changing throughout this country.

It is anticipated that the Committee on the Judiciary may require additional procedures or investigative authority to adequately review the communications in the future. It is anticipated that those authorities will be the subject of another resolution coming out of my Committee on Rules next week, midweek, and brought to the floor later on in the week.

It is very important to note that this resolution does not authorize or it does not direct an impeachment inquiry. It is not the beginning of an impeachment process in the House of Representatives. It merely provides the appropriate parameters for the Committee on the Judiciary, the historically proper place to examine these matters, to review this communication and to make a recommendation to the House as to whether to commence an impeachment "inquiry."

If this communication from the Independent Counsel should form the basis for future proceedings, it is important for this Committee on Rules to be mindful that Members may need to cast public, recorded, and extremely profound votes in the coming weeks or months. It is our responsibility to ensure that Members have enough information about the contents of the communication to cast informed votes and explain their decision based on their conscience to their constituents.

In summation, let me just say that Democrats and Republicans disagree about many things in this institution, and that is probably the way it should be, but no one disagrees about the honor and the integrity of our friend, the gentleman from Illinois (Mr. HENRY HYDE). He is one of the most judicious members in this body in his role as the chairman of the Committee on the Judiciary, and I have said on many occasions that he would make an excellent Supreme Court Justice. As a matter of fact, I recommended that to former President Ronald Reagan and former President George Bush on a number of occasions.

We are fortunate, however, that he has not been elevated to that position as yet, as he is very much needed at this trying time for the House and for our country.

Likewise, the gentleman from Michigan (Mr. CONYERS) has many years of experience in the Committee on the Judiciary, including service there in the 1974. He is extremely knowledgeable and tenacious, and we look forward to his service and his leadership in this very important matter.

This is a very grave day for the House of Representatives. Indeed, it is a solemn time, I think, for our Nation.

□ 2130

Today we will do what we are compelled to do under the Constitution, not because we desire it but because it is our duty as Members of Congress.

In order to most judiciously fulfill these constitutional duties, I would urge all Members to approach this sensitive matter with the dignity and decorum which befits the most deliberative body in the entire world.

Mr. Speaker, I wanted to bring this to the attention of this body and to the American people. Hopefully, around 10:30 tomorrow morning this resolution will be on the floor. Once it passes, it then will be made available to Members and to the public and to the media as soon as technologically possible.

The chairman and the minority leader today wrote a letter to the independent counsel asking them to make available the computerization of the material which will allow us to immediately, upon passage of this resolution, to then be able to reproduce in both hard copies and over the Web sites the actual resolution that will be passed.

Mr. Speaker, I just might again point out that we have done everything in our power to make sure that this is a bipartisan resolution that is agreed to by an overwhelming number of the Members of this House. I think that it will be tomorrow, and we look forward to having this debate.

EXTENSION OF TIME FOR DEBATE ON HOUSE RESOLUTION 525, PROVIDING FOR DELIBERATIVE REVIEW BY COMMITTEE ON THE JUDICIARY OF COMMUNICATION FROM INDEPENDENT COUNSEL

Mr. SOLOMON. Mr. Speaker, with the concurrence of the gentleman from

Massachusetts (Mr. MOAKLEY), the ranking minority member of the Committee on Rules, I ask unanimous consent that when we take up the preferential resolution tomorrow, which contains under the rules of the House only 1 hour of debate, that we extend that period for an additional hour so that the entire debate will be consecutive and will be covered in a 2-hour period.

Mr. Speaker, again, I do have the concurrence of the minority leader and the ranking minority member of the Committee on Rules.

The SPEAKER pro tempore (Mr. WELDON of Florida). Is there objection to the request of the gentleman from New York?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR DELIBERATIVE REVIEW BY COMMITTEE ON THE JUDICIARY OF COMMUNICATION FROM INDEPENDENT COUNSEL

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–703) on the resolution (H. Res. 525) providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERRY (at the request Mr. GEPHARDT), for today, on account of official business in the district.

Ms. EDDIE BERNICE JOHNSON of Texas (at the request of Mr. GEPHARDT), after 1:30 p.m. today and for the balance of the week, on account of business in the district.

Mr. MCGOVERN (at the request of Mr. GEPHARDT), after 2 p.m. today, on account of attending a funeral.

Mr. SCARBOROUGH (at the request of Mr. ARMEY), after 1:30 p.m. today and for the balance of the week, on account of family obligations.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HEFNER) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. MINGE, for 5 minutes, today.
Mr. PALLONE, for 60 minutes, today.
Mr. OWENS, for 60 minutes, today.

(The following Members (at the request of Mr. BILBRAY) to revise and extend their remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today.
Mr. RAMSTAD, for 5 minutes, today.
Mr. PAUL, for 5 minutes, today.
Mr. LUCAS, for 5 minutes, today.
Mr. REDMOND, for 5 minutes, today.
Mr. MORAN of Kansas, for 5 minutes, today.
Mr. ROHRABACHER, for 5 minutes, today.
Mrs. MORELLA, for 5 minutes, on September 11.
Mr. RIGGS, for 5 minutes each, today and September 11.
Mr. DUNCAN, for 5 minutes, today.
Mr. THUNE, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SOLOMON, for 5 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HEFNER) and to include extraneous matter:)

Mr. KIND.
Mrs. MALONEY of New York.
Mr. COYNE.
Mr. RAHALL.
Ms. JACKSON-LEE of Texas.
Mr. LEVIN.
Mr. ETHERIDGE.
Mr. LANTOS.
Mr. CUMMINGS.
Mr. BERRY.
Mrs. CAPPS.
Mr. LIPINSKI, in two instances.
Mr. BARCIA.
Mr. KUCINICH.
Mr. KILDEE.
Mr. WAXMAN.
Mr. OBERSTAR.

(The following Members (at the request of Mr. BILBRAY) and to include extraneous matter:)

Mr. PAPPAS.
Mr. HUNTER.
Mr. DOOLITTLE.
Mr. KING.
Mr. ARCHER.
Mr. PAUL.
Mrs. ROUKEMA.
Mr. TAYLOR of North Carolina.
Mr. SMITH of Oregon.

(The following Members (at the request of Mr. SOLOMON) and to include extraneous matter:)

Mr. SCHAFFER of Colorado.
Mr. BAESLER.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 4059. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

H.R. 629. An act to grant the consent of the Congress to the Texas Low-Level Radioactive Waste Disposal Compact.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 34 minutes p.m.), the House adjourned until tomorrow, Friday, September 11, 1998, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10813. A letter from the Administrator, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting the Department's final rule—Official/Unofficial Weighing Service (RIN: 0580–AA55) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10814. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Commonwealth of Kentucky [KY–104–9818a; FRL–6152–9] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10815. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Yolo-Solano Air Quality Management District [CA 102–0091a; FRL–6150–9] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10816. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland; Conditional Limited Approval of Major VOC Source RACT and Minor VOC Source Requirements [MD003–3024a, MD025–3024a, MD066–3024a; FRL–6148–9] received August 27, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10817. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Emergency Revision of the Land Disposal Restrictions (LDR) Treatment Standards for Listed Hazardous Wastes from Carbamate Production [EPA # F–96–P32F–FFFFF; FRL–6134–5] (RIN: 2050–ZA00) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10818. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lead; Fees for Accreditation of Training Programs and Certification of Lead-based Paint Activities

Contractors [OPPTS-62158A;FRL-6017-8] (RIN: 2070-AD11) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10819. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Public Water System Program; Removal of Obsolete Rule [FRL-6121-7] received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10820. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Forbearance from Applying Provisions of the Communications Act to Wireless Telecommunications Carriers [WT Docket No. 98-100] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10821. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Old Forge and Newport Village, New York) [MM Docket No. 97-179 RM-9064] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10822. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments FM Broadcast Stations (Redwood, Mississippi) [MM Docket No. 96-231 RM-8903] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10823. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Review of the Commission's Rules regarding the main studio and local public inspection files of broadcast television and radio stations [MM Docket No. 97-138, RM-8855, RM-8856, RM-8857, RM-8858, RM-8872] received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10824. A letter from the AMD—Performance Evaluation and Records Management, Federal Trade Commission, transmitting the Commission's final rule —Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Warrenton and Enfield, North Carolina and La Crosse and Powhatan, Virginia) [MM Docket No. 97-229, RM-9100, RM-9231] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10825. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Guides for the Feather and Down Products Industry [16 CFR Part 253] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10826. A letter from the Policy and Regulations Specialist, Fish and Wildlife Service, transmitting the Service's final rule—Subsistence Management Regulations for Public Lands in Alaska, Subpart C & Subpart D—1998-1999 Subsistence Taking of Fish and Wildlife Regulations; Correcting Amendments (RIN: 1018-AE12) received August 25, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10827. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector [Docket No. 971229312-7312-01; I.D. 072798A] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10828. A letter from the Assistant Administrator, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule— National Marine Sanctuary Program Regulations; Florida Keys National Marine Sanctuary Regulations; Anchoring on Tortugas Bank [Docket 971014245-8190-03] (RIN: 0648-AK45) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10829. A letter from the Assistant Administrator, National Oceanic and Atmospheric Adminstration, transmitting the Administration's final rule— Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Technical Amendment [Docket No. 980716182-8182-01; I.D. 062298C] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10830. A letter from the Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, transmitting the Department's final rule—Miscellaneous Changes to Trademark Trial and Appeal Board Rules [Docket No. 970428100-8199-03] (RIN: 0651-AA87) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

10831. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Notice 98-41 received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10832. A letter from the Senior Attorney, Copyright Office, The Library of Congress, transmitting Activities under the Freedom of Information Act for calendar year 1997, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COBLE: Committee on the Judiciary. H.R.2921. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to conduct an inquiry into the impediments to the development of competition in the market for multichannel video programming distribution; with amendments (Rept. 105-661, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R.3789. A bill to amend title 28, United States Code, to enlarge Federal Court jurisdiction over purported class actions; with an amendment (Rept. 105-702). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 525. Resolution providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes (Rep. 105-703). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. NEY (for himself, Mr. BOEHNER, Ms. PRYCE of Ohio, Mr. OXLEY, Mr. HOBSON, Mr. LATOURETTE, Mr. CHABOT, Mr. GILLMOR, Mr. TRAFICANT, Mr. HALL of Ohio, and Mr. STRICKLAND):

H.R. 4537. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to continue payment of monthly educational assistance benefits to veterans enrolled at educational institutions during periods between terms if the interval between such periods does not exceed eight weeks; to the Committee on Veterans' Affairs.

By Mr. MATSUI (for himself, Mrs. KENNELLY of Connecticut, Ms. MCCARTHY of Missouri, Mrs. THURMAN, Mr. PALLONE, Mr. VENTO, Mr. NEAL of Massachusetts, Ms. DELAURO, Mr. BERMAN, Mrs. LOWEY, Ms. FURSE, Mr. LEWIS of Georgia, Mr. WAXMAN, Mr. HINCHEY, Mr. GUTIERREZ, Mr. BECERRA, and Mr. FARR of California):

H.R. 4538. A bill to amend the Internal Revenue Code of 1986 to provide incentives to reduce energy consumption; to the Committee on Ways and Means.

By Mr. FRANK of Massachusetts:

H.R. 4539. A bill to amend the Immigration and Nationality Act to establish a Board of Visa Appeals within the Department of State to review decisions of consular officers concerning visa applications, revocations and cancellations; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. ANDREWS, Mr. HILLEARY, Mr. GEKAS, Mr. BARR of Georgia, and Mr. HOBSON):

H.R. 4540. A bill to amend the Fair Labor Standards Act of 1938 to exempt licensed funeral directors from the minimum wage and overtime compensation requirements of that Act; to the Committee on Education and the Workforce.

By Mr. HOUGHTON:

H.R. 4541. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. SAM JOHNSON of Texas, Mrs. CHENOWETH, Ms. GRANGER, Mr. HOSTETTLER, Mr. LEWIS of Kentucky, Mr. GIBBONS, Mr. HALL of Texas, Mrs. KELLY, Mr. UPTON, Mr. POMBO, Mr. KNOLLENBERG, Mr. COBLE, Mr. RIGGS, Mr. ENGLISH of Pennsylvania, Mr. KINGSTON, Mr. SHAW, Mr. BASS, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. SKEEN, Mr. LEWIS of California, Mr. MCKEON, Mr. SESSIONS, Mr. ROHRABACHER, Mr. PACKARD, Mrs. WILSON, Mr. MANZULLO, Mr. REDMOND, Mr. STEARNS, Mr. QUINN, Mr. GILMAN, Mr. HORN, Mr. CASTLE, Mr. LEACH, Mr. CAMP, Mr. BOEHLERT, Mr. LOBIONDO, Mr. SHAYS, Mr. KOLBE, Mr. FOSSELLA, and Mr. FOLEY):

H.R. 4542. A bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty, to encourage health coverage, to allow the nonrefundable personal credits against the alternative minimum tax, and to extend permanently certain expiring provisions, and to amend the Social Security Act to increase the earnings limitation; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island:

H.R. 4543. A bill to amend section 16 of the United States Housing Act of 1937 to require

owners of federally assisted housing to establish standards to prohibit occupancy in such housing by drug and alcohol abusers in the same manner that public housing agencies are required to establish such standards for public housing; to the Committee on Banking and Financial Services.

By Mr. KENNEDY of Rhode Island (for himself and Mr. STUPAK):

H.R. 4544. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the amount paid to families of public safety officers killed in the line of duty; to the Committee on the Judiciary.

By Ms. MCKINNEY (for herself, Mr. ROHRABACHER, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. PORTER, Mrs. LOWEY, Mr. KENNEDY of Massachusetts, Mr. WOLF, Mr. CAMPBELL, Mr. LEACH, Mr. LANTOS, Mr. BERMAN, Mr. FALEOMAVAEGA, Mr. ENGEL, Mr. MENENDEZ, Mr. PAYNE, Mr. BROWN of Ohio, Mr. HASTINGS of Florida, Mr. HILLIARD, Mr. LUTHER, Mr. ROTHMAN, Mrs. MORELLA, Mr. RIGGS, Mr. LOBIONDO, Mr. MORAN of Virginia, Mr. DEFAZIO, Ms. FURSE, Mr. ABERCROMBIE, Mr. ALLEN, Mr. ANDREWS, Mr. BARRETT of Wisconsin, Mr. BLUMENAUER, Mr. BLAGOJEVICH, Mr. BONIOR, Mr. BROWN of California, Mr. CARDIN, Mr. CLAY, Mr. CLEMENT, Mr. CLYBURN, Mr. CONYERS, Mr. DELAHUNT, Mr. DIXON, Mr. FARR of California, Mr. FATTAH, Mr. FILNER, Mr. HINCHEY, Ms. NORTON, Ms. HOOLEY of Oregon, Mr. LEWIS of Georgia, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MILLER of California, Mr. MINGE, Mr. NADLER, Mr. OLVER, Mr. OWENS, Mr. PASCRELL, Mr. RANGEL, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. SLAUGHTER, Mr. STARK, Mr. STRICKLAND, Mr. STUPAK, Mrs. TAUSCHER, Mr. TIERNEY, Mr. TOWNS, Mr. UNDERWOOD, Mr. VENTO, Ms. WATERS, Mr. WATT of North Carolina, Ms. WOOLSEY, and Mr. WAXMAN):

H.R. 4545. A bill to prohibit United States military assistance and arms transfers to foreign governments that are undemocratic, do not adequately protect human rights, are engaged in acts of armed aggression, or are not fully participating in the United Nations Register of Conventional Arms; to the Committee on International Relations, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD:

H.R. 4546. A bill to provide for the creation of an additional category of laborers or mechanics known as helpers under the Davis-Bacon Act; to the Committee on Education and the Workforce.

By Mr. OBERSTAR:

H.R. 4547. A bill to amend title 49, United States Code, to limit sales of air carrier certificates; to the Committee on Transportation and Infrastructure.

By Mrs. LINDA SMITH of Washington:

H.R. 4548. A bill to make a technical correction to the Columbia River Gorge National Scenic Area Act of 1986; to the Committee on Resources.

By Mr. SOLOMON:

H. Res. 525. A resolution providing for a deliberative review by the Committee on the Judiciary of a communication from an independent counsel, and for the release thereof, and for other purposes; to the Committee on Rules.

By Mr. KIM:

H. Res. 526. A resolution condemning the launching by the Democratic People's Republic of Korea of a ballistic missile in violation of Japanese air space, and for other purposes; to the Committee on International Relations.

By Mr. BLAGOJEVICH:

H. Res. 527. A resolution honoring the centennial of the founding of DePaul University in Chicago, Illinois; to the Committee on Education and the Workforce.

By Mr. DEUTSCH (for himself, Mr. PETERSON of Minnesota, Mr. CONDIT, and Ms. ESHOO):

H. Res. 528. A resolution ordering the immediate printing of the entire communication received on September 9, 1998, from an independent counsel; to the Committee on Rules.

By Mr. NADLER (for himself and Mr. SOLOMON):

H. Res. 529. A resolution to amend the Rules of the House of Representatives to require a bill or joint resolution which amends a law to show the change in the law made by the amendment, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII,

Mr. PAUL introduced A bill (H.R. 4549) for the relief of the family of H. W. Hawes; which was referred to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. MORAN of Virginia.

H.R. 18: Mrs. MCCARTHY of New York, Mrs. CAPPS, Mr. DIXON, Mr. FOSSELLA, Mr. CHRISTENSEN, Mr. BENTSEN, and Mr. BOB SCHAFFER.

H.R. 27: Mr. SPENCE.

H.R. 40: Mr. PASTOR.

H.R. 44: Mrs. MINK of Hawaii and Mr. SESSIONS.

H.R. 59: Mr. STOKES.

H.R. 65: Mr. ADAM SMITH of Washington.

H.R. 76: Mrs. CAPPS.

H.R. 107: Mr. KUCINICH.

H.R. 145: Mrs. MALONEY of New York and Mr. GUTKNECHT.

H.R. 322: Mr. HAYWORTH.

H.R. 519: Mr. DAVIS of Florida.

H.R. 598: Mr. BILBRAY.

H.R. 612: Mr. TAUZIN.

H.R. 759: Mr. SANDERS.

H.R. 836: Mr. CAMP, Mr. ALLEN, Mr. DIAZ-BALART, Ms. GRANGER, Mr. GREENWOOD, Mr. WALSH, Mr. SKAGGS, and Mr. CRAMER.

H.R. 979: Mr. BOEHLERT, Mr. GILMAN, Mr. BRYANT, Mr. BOYD, Mr. FORBES, and Mr. NUSSLE.

H.R. 1241: Mrs. CAPPS and Mrs. BONO.

H.R. 1289: Ms. LOFGREN.

H.R. 1382: Mr. SANDLIN.

H.R. 1608: Ms. NORTON, Mr. MARKEY, Mr. UNDERWOOD, and Mr. GIBBONS.

H.R. 1628: Mr. MALONEY of Connecticut.

H.R. 1748: Mr. GEJDENSON and Mr. STOKES.

H.R. 1995: Mr. GONZALEZ.

H.R. 2397: Mrs. THURMAN, Mr. ADAM SMITH of Washington, Ms. PRYCE of Ohio, Mr. STENHOLM, Mr. WELDON of Pennsylvania, Mr. HANSEN, Mr. COOK, Mr. MCCOLLUM, Mr. TURNER, Mr. MCINTOSH, Mr. FRANKS of New Jersey, Mr. TRAFICANT, Mr. PAPPAS, Ms. RIVERS, Mr. KLECZKA, Mr. SANDERS, Mr. CAMPBELL, Mr. BARRETT of Wisconsin, Mr. SESSIONS, Mr. HALL of Texas, Mr. DIXON, Mr. MCHALE, Mr. HINCHEY, Mr. ACKERMAN, Mr. COOKSEY, Ms. CARSON, Mr. REDMOND, Mrs. LOWEY, Mr. RILEY, and Mr. ROTHMAN.

H.R. 2524: Ms. PELOSI, Ms. SANCHEZ, Mr. SANDLIN, and Mr. KENNEDY of Rhode Island.

H.R. 2715: Mr. CHRISTENSEN.

H.R. 2721: Mr. GOODE.

H.R. 2819: Mr. DELAHUNT and Mr. CAMPBELL.

H.R. 2821: Mr. MATSUI and Mrs. MORELLA.

H.R. 2912: Ms. HOOLEY of Oregon.

H.R. 2941: Mr. BARTON of Texas.

H.R. 2951: Ms. PELOSI.

H.R. 2955: Mr. SANFORD, Mr. HINOJOSA, Mr. STOKES, Ms. LEE, and Mr. THOMPSON.

H.R. 2990: Mr. HANSEN, Mr. HASTERT, Mr. ROGAN, Mrs. MCCARTHY of New York, Mr. SOLOMON, Mr. CHABOT, Mr. MCCOLLUM, Mr. SMITH of Michigan, Mr. KINGSTON, Mr. MINGE, and Mr. MCNULTY.

H.R. 2995: Mr. RAMSTAD and Mr. JEFFERSON.

H.R. 3077: Mr. BISHOP, Mr. MILLER of California, Mr. DEFAZIO, and Mr. STUPAK.

H.R. 3081: Mr. DICKS, Mr. FALEOMAVAEGA, Mr. SHERMAN, Mr. ALLEN, and Mr. SAWYER.

H.R. 3121: Mr. MCNULTY.

H.R. 3125: Mr. HEFLEY and Mr. INGLIS of South Carolina.

H.R. 3126: Mr. BISHOP.

H.R. 3160: Mr. SHAYS.

H.R. 3177: Mr. OXLEY.

H.R. 3435: Mr. MINGE.

H.R. 3503: Ms. SLAUGHTER, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, Mr. PAUL, Mr. MARTINEZ, Mr. MATSUI, and Ms. DANNER.

H.R. 3514: Mr. BAESLER, Mr. TIERNEY, Mr. ANDREWS, and Mr. PETERSON of Minnesota.

H.R. 3572: Ms. ROS-LEHTINEN and Mr. TRAFICANT.

H.R. 3636: Mr. FORD.

H.R. 3641: Mr. SAM JOHNSON of Texas and Ms. PRYCE of Ohio.

H.R. 3759: Mr. BROWN of California, Mr. FROST, Mr. OBERSTAR, and Mr. GUTIERREZ.

H.R. 3774: Mr. ALLEN and Mr. NETHERCUTT.

H.R. 3783: Mr. BLUNT and Mr. SANDLIN.

H.R. 3792: Mr. KASICH.

H.R. 3795: Mr. DELAHUNT and Mr. ACKERMAN.

H.R. 3814: Mr. CONDIT and Mr. SERRANO.

H.R. 3835: Mr. GORDON, Mr. BLUNT, Mr. HULSHOF, Mr. MANZULLO, Mr. ACKERMAN, Mr. RUSH, Mrs. TAUSCHER, Mr. GREEN, Mr. BURR of North Carolina, Mr. ENGEL, Mr. DELAHUNT, Mr. HAMILTON, Mr. EHRLICH, Mr. BORSKI, Mr. YATES, Mr. BISHOP, Mr. BOUCHER, Mrs. EMERSON, Mr. COYNE, Mr. CANADY of Florida, Mr. TURNER, Mr. KUCINICH, and Mr. SANDERS.

H.R. 3844: Ms. PRYCE of Ohio.

H.R. 3870: Ms. LOFGREN and Mr. CANADY of Florida.

H.R. 3879: Mrs. FOWLER.

H.R. 3946: Mr. CLAY, Mr. WEXLER, Ms. ROYBAL-ALLARD, Mr. MALONEY of Connecticut, Mr. THOMPSON, Ms. MCCARTHY of Missouri, and Ms. NORTON.

H.R. 3949: Mr. MCKEON.

H.R. 3962: Mr. BAKER.

H.R. 3991: Mr. HYDE AND MR. HILLEARY.

H.R. 4019: Mr. SMITH of Texas.

H.R. 4028: Mr. ENGLISH of Pennsylvania, Mr. HALL of Texas, Mr. HULSHOF, Ms. DEGETTE, Mr. SNYDER, Mr. SHERMAN, Mr. HORN, Mr. SANDERS, Ms. CHRISTIAN-GREEN, Mr. SANDLIN, Mr. TURNER, and Mr. LAFALCE.

H.R. 4030: Mr. SKAGGS.

H.R. 4035: Mr. PASTOR, Mr. TURNER, Mr. BRADY of Pennsylvania, Mr. FOLEY, Mr. DELAHUNT, Ms. CHRISTIAN-GREEN, Mr. ENSIGN, Mr. MALONEY of Connecticut, Mr. MENENDEZ, Mr. LIVINGSTON, Mr. MARTINEZ, Mr. PAYNE, Mrs. ROUKEMA, Mr. KILDEE, Mr. JEFFERSON, Mr. YATES, Mr. MINGE, Ms. SANCHEZ, Mr. GOODLING, Mr. DINGELL, Mr. PETERSON of Minnesota, Mr. DIXON, Mr. RAHALL, Mr. SENSENBRENNER, Mr. TAYLOR of North Carolina, Mrs. MYRICK, Mr. OLVER, Mr. COBURN, Mr. WALSH, Ms. LOFGREN, Mr. WATTS of Oklahoma, Mr. EDWARDS, and Mr. PETRI.

H.R. 4036: Mr. PASTOR, Mr. TURNER, Mr. BRADY of Pennsylvania, Mr. FOLEY, Mr. DELAHUNT, Ms. CHRISTIAN-GREEN, Mr. ENSIGN, Mr. MENENDEZ, Mr. MARTINEZ, Mr. PAYNE, Mrs. ROUKEMA, Mr. KILDEE, Mr. JEFFERSON, Mr. YATES, Mr. MINGE, Ms. SANCHEZ, Mr. DINGELL, Mr. PETERSON of Minnesota, Mr. DIXON, Mr. RAHALL, Mr. SENSENBRENNER, Mr. TAYLOR of North Carolina, Mrs. MYRICK, Mr. OLVER, Mr. COBURN, Mr. WALSH, Ms. LOFGREN, Mr. EDWARDS, and Mr. PETRI.

H.R. 4039: Mr. SOUDER.

H.R. 4067: Mr. NEY.

H.R. 4093: Ms. CHRISTIAN-GREEN and Mr. SERRANO.

H.R. 4125: Mr. BURTON of Indiana, Mr. HYDE, Mr. JONES, Mr. BACHUS, Mr. GREENWOOD, and Mr. PAXON.

H.R. 4126: Mr. DICKEY.

H.R. 4134: Mr. SANDLIN.

H.R. 4141: Mr. LEWIS of Georgia.

H.R. 4204: Mr. NETHERCUTT and Mr. PORTMAN.

H.R. 4213: Mr. CRANE and Mr. BARTON of Texas.

H.R. 4219: Mr. SNYDER and Ms. STABENOW.

H.R. 4220: Mr. ROTHMAN.

H.R. 4224: Ms. DANNER.

H.R. 4233: Mr. CUMMINGS, Ms. DELAURO, Mr. MORAN of Virginia, and Mr. BERMAN.

H.R. 4240: Mr. ROHRABACHER.

H.R. 4257: Mr. PICKERING, Mr. ADERHOLT, and Mr. KIND of Wisconsin.

H.R. 4275: Mr. CLAY, Mr. KIND of Wisconsin, Ms. MCKINNEY, Mr. DICKEY, Mr. EVANS, Mr. PEASE, Ms. ESHOO, Mr. NORWOOD, Mr. KANJORSKI, Mr. GEJDENSON, Mr. DINGELL, Mr. FATTAH, and Mr. MURTHA.

H.R. 4283: Mr. FRANKS of New Jersey, Mr. FATTAH, Mr. LEVIN, Mr. NADLER, Mr. WYNN, Mr. BISHOP, Mr. FORD, Mr. CLAY, Ms. LEE, Mr. HYDE, and Mr. STOKES.

H.R. 4291: Mr. DELAHUNT, Mr. DIXON, Mr. FARR of California, Mr. FILNER, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. KING of New York, Mr. OBERSTAR, Mr. PASTOR, Mr. SAWYER, Mr. UNDERWOOD, and Mr. WAXMAN.

H.R. 4321: Mrs. ROUKEMA.

H.R. 4323: Mr. FALEOMAVAEGA, Ms. PELOSI, Mr. BECERRA, Mr. HINOJOSA, Ms. ROYBAL-ALLARD, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, and Mr. SERRANO.

H.R. 4324: Mr. SKEEN, Mr. CANNON, Mr. MCINNIS, Mr. BLUNT, Mr. FOSSELLA, Mr. CHABOT, Mr. BOB SCHAFFER, Mr. SAM JOHNSON of Texas, Mr. METCALF, Mr. REGULA, Mr. GOODLATTE, Mr. ENSIGN, and Mr. CHRISTENSEN.

H.R. 4339: Mr. CONYERS, Mr. JENKINS, Mr. MALONEY of Connecticut, Mr. NEY, Mrs. MINK of Hawaii, Mr. GEJDENSON, Ms. NORTON, Mr. SANDLIN, Mr. POSHARD, Mr. PETERSON of Minnesota, Mr. BROWN of Ohio, Mr. MARTINEZ, Ms. PELOSI, Mr. DEFAZIO, Mr. BAKER, Mr. DUNCAN, Mr. ANDREWS, Mr. ROMERO-BARCELO, Ms. CARSON, Ms. MCCARTHY of Missouri, Mr. ORTIZ, Mr. CONDIT, and Mr. CALLAHAN.

H.R. 4340: Ms. CARSON, Mr. HILLIARD, Ms. MILLENDER-MCDONALD, and Mr. OLVER.

H.R. 4352: Mr. DEFAZIO, Mr. BOUCHER, and Mr. MCHUGH.

H.R. 4353: Mr. GILLMOR, Mr. GREENWOOD, Mr. WHITE, Mr. DEUTSCH, and Mr. SAWYER.

H.R. 4358: Mr. WATKINS, Mr. MCDERMOTT, Mr. WALSH, Ms. DUNN of Washington, Mr. HINCHEY, Mr. LEVIN, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, and Mr. BOEHLERT.

H.R. 4391: Mr. NORWOOD.

H.R. 4404: Mr. CANNON, Mr. CLYBURN, Mr. HILLIARD, Mr. SISISKY, and Mr. SPRATT.

H.R. 4433: Mr. MCGOVERN.

H.R. 4446: Mr. INGLIS of South Carolina, Mr. BATEMAN, Mr. BEREUTER, Mr. TANNER, Mr. OXLEY, and Mrs. LINDA SMITH of Washington.

H.R. 4447: Mr. DEFAZIO.

H.R. 4455: Mr. EHRLICH, Mrs. MYRICK, Mr. CAMPBELL, Mr. ROGAN, Mr. ROHRABACHER, Mr. BLUNT, Mr. LIVINGSTON, Mr. WAMP, and Mr. OXLEY.

H.R. 4472: Mr. HOUGHTON, Mrs. KELLY, and Mr. TANNER.

H.R. 4476: Mr. MCGOVERN, Mr. DOOLEY of California, Mr. KILDEE, Mrs. MALONEY of New York, Mr. CUMMINGS, Mr. SANDLIN, Mr. HORN, Mr. LAFALCE, and Ms. STABENOW.

H.R. 4480: Mr. BLUMENAUER.

H.R. 4522: Mr. PETERSON of Pennsylvania, Mr. BLILEY, Mr. PACKARD, Ms. GRANGER, Mrs. KELLY, Mr. CAMP, Mr. PORTMAN, and Mr. STUMP.

H. Con. Res. 41: Mr. MCINNIS.

H. Con. Res. 52: Mr. RODRIGUEZ, Mr. FILNER, Mr. NETHERCUTT, Mr. POSHARD, Mr. MURTHA, Mr. COYNE, Mr. RAMSTAD, Ms. LEE, Mr. WAXMAN, Mr. PALLONE, Mr. BOSWELL, and Mr. EVANS.

H. Con. Res. 224: Mr. GILMAN and Mr. SMITH of New Jersey.

H. Con. Res. 229: Mr. BOEHLERT, Mr. CARDIN, Mr. HYDE, Mr. MCCOLLUM, Mrs. MINK of Hawaii, Mrs. MORELLA, Mrs. NORTHUP, Ms. NORTON, Ms. SANCHEZ, and Mr. WICKER.

H. Con. Res. 267: Mr. KENNEDY of Rhode Island and Mr. TALENT.

H. Con. Res. 295: Mr. WALSH, Mr. ENGLISH of Pennsylvania, Mr. SHERMAN, Mr. ROTHMAN, Mr. SMITH of New Jersey, Mr. LANTOS, and Mr. WAXMAN.

H. Con. Res. 315: Mr. FROST, Mr. TRAFICANT, and Mr. FRANK of Massachusetts.

H. Con. Res. 317: Mr. ACKERMAN, Mr. BACHUS, Mr. BALDACCI, Mr. BOYD, Mr. BRADY of Texas, Mr. CALLAHAN, Mr. CLEMENT, Ms. DELAURO, Mr. FARR of California, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HORN, Mr. KENNEDY of Rhode Island, Ms. LEE, Mr. LEWIS of California, Ms. LOFGREN, Mr. LUTHER, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. SHIMKUS, Mr. SKELTON, Mr. SPRATT, Mr. TRAFICANT, Mr. WALSH, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WOLF, Mr. MCNULTY, and Mr. METCALF.

H. Res. 381: Mr. MARTINEZ and Mr. BRADY of Texas.

H. Res. 479: Ms. KILPATRICK, Mrs. MINK of Hawaii, Mr. MARKEY, and Mr. DEFAZIO.

H. Res. 494: Mr. TORRES.

H. Res. 505: Mr. UNDERWOOD, Mr. ABERCROMBIE, Mr. MATSUI, Mrs. MINK of Hawaii, and Mr. KIM.

H. Res. 519: Mr. DIAZ-BALART.

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. 218: Mr. BILBRAY.

H.R. 3396: Mr. NUSSLE.

H.R. 4006: Mr. LATOURETTE.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4274

OFFERED BY: MR. GRAHAM

AMENDMENT NO. 6: Page 53, lines 17 and 18, after the dollar amounts, insert the following: "(reduced by $100,000,000)".

Page 57, line 17, after each dollar amount, insert "(increased by $100,000,000)".

EXTENSIONS OF REMARKS

TRIBUTE TO JOHN F. BRADY—NAVY MAN, MERCHANT MARINER, RECIPIENT OF THE PURPLE HEART

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. RAHALL. Mr. Speaker, on August 11, 1998, John F. Brady passed away. He was 69 years old, a father, a husband, grandfather much beloved by his family, as well as by his many friends.

John Brady went to sea at the tender age of 16 with the U.S. Army Transport Service, now the Military Sealift Command, for two years. He enlisted in the U.S. Navy in Seattle, WA, in December 1947, serving with distinction in China and Japan.

John Brady was decorated for service with the USMC in the Korean War, and was a member of the 'Chosen Few'. Wounded in action, he was awarded the Purple Heart for Service and Sacrifice to his country.

Upon his discharge from the service, he served for five years with the Merchant Marine, as a second engineer. He came ashore in order to serve as a representative for his union, then the Brotherhood of Marine Engineers, later becoming the American Maritime Officers. He held every union office (except as president) for the next 40 years.

John is survived by his loving wife Kitty, daughters Catherine and Cynthia, and sons Phillip, John F. II, and Scott, who is also with the Merchant Marine, and by six grandchildren and two sisters.

John's deep and abiding commitment to the happiness of his family is well known, and he was devoted to their well-being throughout his remarkable life.

John Brady's enormous personal and professional dedication to his fellow maritime officers was also well-known, and he seemed to think of them as members of his extended family. It was well understood by all who knew him that he took his responsibility as the Maritime Officers' Union Representative, very seriously, and he worked tirelessly to help assure their success and well-being for nearly four decades.

Mr. Speaker, John Brady will be sorely missed by his loving family, his fellow officers, and his community, but his memory will live on in their hearts and minds forever.

EDGAR C. CAMPBELL, SR., POST OFFICE BUILDING

SPEECH OF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in strong support of H.R. 3939, which will designate the United States Postal Service building located at 658 63rd Street, Philadelphia as the "Edgar C. Campbell, Sr., Post Office Building." I echo the eloquent words of my colleague and friend CHAKA FATTAH, when he described the greatness of this pioneering statesman.

But, Mr. Speaker, Edgar Campbell was more than a great Philadelphian. He was more than a great leader. Edgar Campbell was a great man. He was a devoted family man and neighbor. He was active in his church and in the greater community. The measure of his success as a leader is that he was elected city wild at a time when it was difficult for an African American. The measure of his success as a politician is that he held key leadership positions in the Democratic Party and won those positions because of the respect his fellow leaders had for him. But most importantly, the measure of his success as a father is that his children entered his profession and continue to fulfill his legacy.

Mr. Speaker, I am proud to say that Edgar C. Campbell was my friend. Edgar's daughter, the great Carol Ann Campbell, is my friend too. And for all Edgar did and for all Carol Ann continues to do, I am proud to join my colleagues in supporting this bill.

A TRIBUTE HONORING RUTH HOBBS WOODS ON HER 100TH BIRTHDAY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. LIPINSKI. Mr. Speaker, today I rise to pay tribute to a remarkable woman who has recently celebrated her 100th birthday, on August 27, 1998.

Ruth Hobbs Woods, a resident of my district, married Mountford Woods on May 18, 1918 and was married for forty-two years. They took pride in parenting four children. Ruth has 11 grandchildren, 23 great-children, and one great-great grandchild.

Ruth Hobbs Woods resided in Chicago Ridge, Illinois for fifty-five years. During those years, Ruth Hobbs Woods was an active member of the community. Ruth Hobbs Woods was very involved in State, County, Township and Village politics and is a past member of the Worth Township Democratic Organization. Ruth Hobbs Woods was also an active member of the Chicago Ridge Homeowners Association and is currently a member of the Senior Citizens Friendship Club.

Mr. Speaker, I congratulate Ruth Hobbs Woods on reaching this milestone and commend her for her many contributions to her community. I extend Ruth Hobbs Woods my best wishes for many more birthdays to come.

RECOGNIZING THE SERVICE OF COMMAND SERGEANT MAJOR DOBSON

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. PAPPAS. Mr. Speaker, I would like to extend my thanks and congratulations to Command Sergeant Major M.M. Dobson, who is retiring after thirty years of service to his fellow countrymen. Since July of 1996, he has served as the Command Sergeant Major for the Communications-Electronics Command at Forth Monmouth, New Jersey. Together with his wife, Judy, he has raised three daughters: Jennie, Melissa, and Crystal.

Sergeant Major Dobson enlisted in June of 1968 as an avionics radio repairman. His first assignment was as a tropospheric scatter team chief with the 3rd Battalion, 84th Field Artillery. He has since served five tours of duty in Germany. Other assignments have included troposcatter team chief at Fort Sill, Oklahoma, where he was also a senior instructor and course noncommissioned officer in charge, as well as duty at Fort Benning, Georgia, as an instructor at the Noncommissioned Officer School of Infantry and First Sergeant of Company B, 34th Signal Battalion, Ludwigsburg, Germany. In 1985, Command Sergeant Major Dobson became the First Sergeant of the 209th Signal Company at Fort Huachuca, Arizona. By 1987, he was promoted to his current rank of Command Sergeant Major and served another tour in Germany with the 52nd Signal Battalion. After this tour, he returned to Fort Huachuca to serve as the U.S. Army Garrison Command Sergeant Major there. In 1990, Command Sergeant Major Dobson was chosen to serve as the 11th Signal Brigade CSM and was deployed to Saudi Arabia for Operations Desert Shield and Desert Storm, followed closely by an assignment to the 1st Signal Brigade in Korea.

Among Sergeant Majors many awards and decorations are: the Legion of Merit; first Oak Leaf Cluster, the Bronze Star Medal, Meritorious Service Medal; fifth Oak Leaf Cluster, the Army Achievement Medal; first Oak Leaf Cluster, and the Army Commendation Medal, as well as numerous other achievements.

I would again like to express my deep gratitude for the many years of service which

Command Sergeant Major Dobson has given to his country.

CALLING FOR AN END TO RECENT CONFLICT BETWEEN ERITREA AND ETHIOPIA

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H. Con. Res. 292, a concurrent resolution calling for an end to the recent conflict between Eritrea and Ethiopia. I support this bill for several reasons. First, I am concerned that this conflict shows signs of worsening, ravaging a civilian population that has experienced severe hardship during the last half century. The threat to the civilian populations of Eritrea and Ethiopia is real, as both countries are among the largest recipients of international aid.

Thus, far hundreds of soldiers and civilians have died on both sides. Towns and villages have suffered aerial bombardment. Just one example of the horrors of this war, occurred as an Eritrean fighter plane strafed a schoolyard killing dozens of children. Both sides have begun gathering citizens of the other country for deportation which raises the specter of genocide.

Second, this conflict threatens to undermine United States efforts to increase investment and trade in the region. During the President's recent trip to the African continent, the President indicated a willingness to increase America's economic ties in the region. This conflict represents a major obstacle to America's efforts to continue to develop and foster an economic partnership on the continent.

Finally, the strategic importance of this region has long been viewed as vital to United States interests. The Horn of Africa has long been viewed as a strategic area of the globe because of its proximity to the sea lands linking the oil rich Persian Gulf region with the Red Sea, the Gulf of Aden and the Indian Ocean.

This Congress should pass House Concurrent Resolution 292 and support all efforts which will mediate an immediate end to the conflict between Eritrea and Ethiopia.

NINETIETH ANNIVERSARY OF THE RUSSIAN ORTHODOX CATHEDRAL OF THE HOLY TRANSFIGURATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to the Russian Orthodox Cathedral of the Holy Transfiguration on the 90th anniversary of its founding. Throughout its history, the Cathedral of the Holy Transfiguration had dedicated itself to providing spiritual guidance to the growing immigrant population of Greenpoint, Brooklyn.

The Cathedral was founded in 1908, with construction beginning on the cathedral in 1916. In 1921 Archbishop Platon consecrated the church. This large, beautiful house of worship was listed in the National Registry of Historic Places in 1980.

The Cathedral of the Holy Transfiguration would not have grown and prospered without its dedicated parishioners and priests. The first Divine Liturgy was celebrated by Rev. Alexander Hotovitzky. The first assigned pastor was Rev. Theofan Buketoff. Since that time a number of distinguished theologians have had the privilege of serving the Greenpoint community through the Cathedral of the Holy Transfiguration.

The Cathedral has met the challenge presented by the diverse and growing immigrant population of the community by offering a variety of religious and spiritual services. Among these are Devine Liturgies, Vigil, panikhida and Vespers. The church encourages the active participation of its parishioners in its liturgical life.

Additionally, the church provides myriad services for the community via various clubs and associations. These church sponsored organizations also provide a sense of community and belonging for their members. These organizations include the Brotherhood of the Holy Trinity, the Transfiguration Russian Orthodox Club, the Church School, the Parents Association and a special organization for new immigrants. These groups provide services ranging from church maintenance to youth educational programs.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to the Russian Orthodox Cathedral of the Holy Transfiguration as it celebrates its 90th anniversary. I am honored to have such a distinguished and important parish in my district continuing in a long tradition of spiritual and community service.

DAVID P. RICHARDSON, JR., POST OFFICE BUILDING

SPEECH OF

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise in strong support of H.R. 3999, which will designate the United States Postal Service building located at 5209 Greene Street, Philadelphia, Pennsylvania, as the "David P. Richardson, Jr., Post Office Building."

Mr. Speaker, Dave Richardson was a man like few others. I heard the many kind things my colleagues said about Ron Dellums today. I didn't serve with Mr. Dellums, but I worked for many years with Dave. And based on what I've heard about Ron, he and Dave were cut from the same cloth.

Dave Richardson was a fighter for justice. He never stopped working on behalf of the poor and working people of this country, especially those in his beloved Germantown. Mr. Speaker I am proud to share the representation of Dave's old district with this bill's sponsor, Mr. FATTAH. And every day, I can see the results of Dave's tireless work. Dave earned and kept the respect of everyone who knew him in Philadelphia, in the State House in Harrisburg and across this great nation through is work with other African American legislators. He was a leader. He was a warrior. And happily, Dave Richardson was my friend. I am proud to join my colleagues in supporting this bill.

A TRIBUTE TO HELEN FANNING ON HER 100TH BIRTHDAY

HON. WILLIAM. O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to a woman who has seen a century, Mrs. Helen Fanning, on the event of her 100th birthday, September 21, 1998.

I am pleased to remark that the Village of Justice, Illinois, is proclaiming the week of September 20 through 26, 1998 "Helen Fanning Week" in honor of Mrs. Helen Fanning's 100th birthday. The family and friends of Mrs. Helen Fanning will be celebrating with a birthday party, where the proclamation will be presented.

Mr. Speaker, I congratulate Mrs. Helen Fanning on achieving this great milestone and extend to her my best wishes for many more birthdays to come.

RECOGNIZING THE SERVICE OF GENERAL GERARD BROHM

HON. MICHAEL PAPPAS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. PAPPAS. Mr. Speaker, I rise today to extend my heartfelt congratulations and thanks to Major General Gerard P. Brohm, who is retiring after thirty two years of dedicated service to his country in the United States Army. Born in New York City, General Brohm first enlisted in the Army in 1966, taking basic and advanced training as an infantryman. He and his wife, Ines, have four children: Maria Elena, Kathy, Jerry, and Michael.

In July of 1967, General Brohm received the commission of Second Lieutenant and then served in Vietnam as a platoon leader. During his career, he has served as commander of two companies at Fort Bragg, S–3 and Executive Officer for the 41st Signal Battalion in Korea, and as Battalion Commander for the 143rd Signal Battalion, 3rd Armored Division. He has also served as the Brigade Commander for the 93rd Signal Brigade, VII Corps, as well as Deputy Commanding General, U.S. Army Signal Center and Fort Gordon, Georgia.

General Brohm has also been a distinguished staff officer, whose assignments have included Executive Officer for the Deputy Chief of Staff of Operations and Plans for the U.S. Army Communications Command in Fort Huachuca, Arizona, Director of Combat Developments and Communications at Fort Gordon, Georgia, and finally as Chief of the Communications Systems Section, Supreme Headquarters Allied Powers Europe, Belgium.

Since January 10, 1995, Major General Brohm has served as Commanding General, U.S. Army Communications-Electronics Command (CECOM) and Fort Monmouth. He has overseen the expansion of the mission of CECOM and the consolidation of functions onto Fort Monmouth from other installations. He also has been an active advocate for the Army as it plans to digitize the battlefield. His tireless commitment to modernizing Army communications will serve this nation well for many decades to come.

General Brohm's achievements have earned him numerous decorations and awards, including the Bronze Star, the Army Achievement Medal, the Legion of Merit with Oak Leaf Cluster, and the Meritorious Service Medal with three Oak Leaf Clusters, as well as numerous others.

On a personal note, I have thoroughly enjoyed working with him on matters relating the Army and Fort Monmouth. His good humor and patience with me as I have adjusted to my new position as a new Congressman and a member of the House National Security Committee have been invaluable and I am very grateful for insight. I congratulate him and wish him, his wife Ines, and their four children Maria Elena, Kathy, Jerry, and Michael best wishes in his retirement.

FIFTIETH BIRTHDAY OF JOHN A. CATSIMATIDIS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mrs. MALONEY of New York. Mr. Speaker, I submit the following:

NEW YORK, NY, September 3.—I rise today to pay tribute to John Catsimaridis, who today is celebrating his fiftieth birthday.

John Catsimatidis, an outstanding member of the community which I represent, was born in Greece in 1948. While still an infant, his parents brought him to the United States where he was raised in New York City. He attended high school in Brooklyn and then graduated from New York University.

Mr. Catsimatidis' contributions to the New York City community as a businessman and as a caring citizen are vast and varied.

He is the chairman and chief executive officer of the Red Apple Group, Inc., a privately held company that employs 10,000 people. The Red Apple Group is a diversified company with holdings in several areas, including: oil refining, supermarkets, real estate, aviation and publishing.

Red Apple Group operates United Refining of Warren, Pennsylvania, a midsized oil refinery that functions under the name "Kwik-Fill." The refinery operates 354 convenience stores and filling stations in Northwest New York and Western Pennsylvania.

Mr. Catsimatidis' company also operates the largest supermarket chain in Manhattan under the names "Sloan's" and "Gristede's." He founded this business in 1969 while still a college student; the company now operates 50 stores. An additional supermarket operating under the name "Grand Union," located in the Virgin Islands.

Mr. Catsimatidis, a pilot, also operates an aviation company under the names "Capitol Air Express" and "C&S Acquisition." This company is a worldwide commercial charter and aircraft leasing company with Boeing's 727's and personal jet aircraft.

Additionally, he is the owner and editor of the Hellenic Times newspaper, the largest English-language Greek-American newspaper in the United States.

The list of Mr. Catsimatidis' philanthropic activities is equally as extensive and impressive as his business initiatives. He is the former chairman of the Hellenic American Neighborhood Action Committee (HANAC), a nonprofit social services organization which operates low-income housing, medical services, and housing for the elderly and home meal delivery in the New York Metropolitan area.

He is the co-chairman and founder of the Brooklyn Tech Endowment Foundation; the $10,000,000 fund is the largest gift to a secondary school in the United States. He is the director of the New York Police Athletic League. He funds the John Catsimatidis Scholarship Fund at NYU School of Business, which awards two scholarships annually. He is a past president of the Manhattan Council of Boy Scouts of America.

He is also active in the National Kidney Foundation, Juvenile Diabetes Foundation, Young Men's Philanthropic League and the Alzheimer's Foundation. In 1991, he underwrote the construction of the library at Camp David Chapel, the Presidential Retreat.

John Catsimatidis and his wife, Margo, have two children, Andrea John, 9; and John Andreas, Jr., 5.

Mr. Speaker, I ask that my colleagues rise with me in tribute to John Catsimatidis on his fiftieth birthday. It is a privilege to have such an outstanding leader in my district.

CONGRESSMAN KILDEE HONORS REV. JAMES E. WALKER, JR.

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. KILDEE. Mr. Speaker, it is an honor for me to rise before you today to recognize the achievements of Reverend James E. Walker, Jr., of Flint Michigan. On Saturday, September 12, the congregation of Flint's Faith Gospel Temple Church of God in Christ will honor Reverend Walker for the many contributions he has made over the last 25 years to both City and State in the name of the Lord.

It is difficult to imagine what the Flint community would be like today had Reverend Walker not been called to become Pastor of Faith Gospel Temple. Born in 1949, to the Minister James Walker, Sr. and Iola Walker, Pastor Walker's dedication to the Lord began at the young age of 4, as a mandolin player in his family's traveling Evangelist band. The years later found the elder James Walker founding the Faith Gospel Temple in Saginaw, Michigan, in 1971. It was only fitting that the first service of the new church was the wedding of his son to the former Tonya Etoile Blythe.

It was in May of 1972, following a severe automobile accident that left his father paralyzed from the neck down, James announced to his father his plans to enter the ministry. In September of 1972, Reverend James Walker, Jr. gave his first sermon at Faith Gospel Temple, and began a distinguished career of spiritual guidance, most notably his appointment as Superintendent of Peace for the District of Northeast Michigan. In this role, which he has maintained for more than 14 years, he oversees and provides advice and insight to four churches in the Flint and Saginaw area. Many have benefitted greatly from Pastor Walker's work in the community, as well as the state.

Mr. Speaker, it is with great pride that I ask you and my fellow members of the 105th Congress to join me in saluting Pastor James Walker, Jr. Self evident is his lifelong journey to enhancing the dignity and nurturing the spirits of all people I am grateful that there are people like that serve as examples of what Americans should strive to be.

HONORING DR. JUDITH CRAVEN

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of Honoring Dr. Judith Craven. This Resolution recognizes Dr. Judith Craven on her retirement as the President of The United Way of the Texas Gulf Coast.

Judith Craven is a Medical Doctor, a Master of Public Health, and has served as President of The United Way of the Texas Gulf Coast since the fall of 1992. Under Dr. Craven's leadership The United Way of the Texas Gulf Coast experienced financial stability and growth. As result of Dr. Craven's determined efforts the United Way of Texas Gulf Coast became the fourth largest campaign in the nation.

During her tenure, unprecedented growth in multi-cultural communities offered new challenges and opportunities, both in campaign and volunteer recruitment areas. This challenge was met by Dr. Craven's recommitment to the values of the United Way. Dr. Craven embraced the values of diversity in volunteer composition and in service to a multi-cultural community.

Dr. Craven maximized fund raising efforts, by conducting a community wide campaign that increased the opportunity for everyone to be able to give and which sought to ensure funding stability in the community. The hallmark of Dr. Craven's fiscal responsibility was a results oriented stewardship for every charitable dollar given.

Just one example of Dr. Craven's contribution to her community was the creation of the Community Table. This effort resulted in a place where diverse individuals and groups could meet together to collaboratively plan and respond to health and human service needs. Her efforts are responsible for better communication among service provides which serve those in need.

Dr. Craven used her influence and considerable powers of communication to effectively communicate with public policy partners at the city, county, state, and federal levels to affect health and human services. This considerable effort resulted in a more effective social service delivery system.

Thus, it is clear that under the leadership of Dr. Judith Craven, the United Way of the Texas Gulf Coast has become a recognized and respected leader of the nonprofit community. Dr. Craven's leadership and administration should be copied by all nonprofit organizations.

Thank you, Dr. Craven, for your commitment and dedicated leadership in service to Texas Gulf Coast community.

SENSE OF THE HOUSE DEPLORING TRAGIC AND SENSELESS MURDER OF BISHOP JUAN JOSE GERARDI

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Ms. PELOSI. Mr. Speaker, I rise in support of House Resolution 421, a resolution deploring the murder of Guatemala Bishop Juan Jose Gerardi.

In late July of this year, I joined my colleagues Representatives GEORGE MILLER and CIRO RODRIGUEZ on a three-day visit to Guatemala. The visit was organized by the Robert F. Kennedy Memorial Center for Human Rights. Our goals were to encourage the Guatemalan government to carry out a thorough investigation of the April 26, 1998 murder of Bishop Juan Jose Gerardi; to provide visible support to the Archbishop's Human Rights Office and other human rights organizations in Guatemala; to encourage the United States government to play a more active role in supporting efforts to improve respect for human rights in Guatemala; and to demonstrate full support for the implementation of the peace accords which have brought an end to 36 years of civil war.

Our delegation met with government officials, including Guatemala President Arzu, church leaders, and representatives of numerous community organizations. We paid special attention to the investigation of the tragic murder of Bishop Juan Gerardi. Because of Bishop Gerardi's invaluable work in defense of human rights and the fact that he was killed only days after the release of the report, "Guatemala: Never Again," this crime necessarily has political connotations. If it is not resolved, it would be a devastating blow to the peace process and to domestic and international confidence in the implementation of these goals.

We were encouraged to hear of the government's commitment to aggressively pursue all leads, motives and evidence related to the tragic murder of Bishop Gerardi. Since late July, we have learned that the prosecution has made an initial request for information about the military officers whose names were originally provided by the Archbishop's Human Rights Office. It is vitally important that the prosecution go forward with an exhaustive investigation of the leads suggesting military involvement, just as it has been fully exploring other possible leads. The expeditious and judicious resolution of the investigation into Bishop Gerardi's murder is critical for the continuation of support for the peace accords.

Therefore, I rise in support of House Resolution 421, which calls for the Government of Guatemala to take all steps necessary to resolve the heinous murder of Bishop Gerardi; to continue its efforts to establish effective civilian law enforcement and judicial institutions; to make a renewed commitment to successfully implement the peace accords, especially those accords concerning human rights; and that the United States government provide all necessary support to the investigation of Bishop Gerardi's murder and to continue to support the full implementation of the peace accords.

EXECUTION OF BAHA'I BELIEVER VIOLATES RECOGNIZED HUMAN RIGHTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. LANTOS. Mr. Speaker, human rights are universal by definition. Simply by being a member of the human race, every person has certain inviolable rights—those outlined in the Universal Declaration of Human Rights, which was created by the members of the United Nations fifty years ago.

Unfortunately, however, not every government in the world recognizes these rights. The Government of Iran recently gave the world a glaring example of the type of officially sanctioned depravity that can occur when rights of the individual are not protected—and in fact are actively violated by his or her own government.

On July 21st the Iranian government executed Ruhollah Rowhani in the town of Mashad. Mr. Rowhani, a married father of four, was not a criminal. He was a member of the Baha'i faith, and there is very credible reasons to believe that his death is a direct result of his faith. He was not accused of any crime that would be recognizable to us here in the United States or in most other places of the world. He was held incommunicado for nearly a year prior to his execution. He was not given access to lawyers. He was simply abducted by the government, held, subjected to a sham trial, judgment was passed, and then he was murdered.

The approximately 300,000 Baha'is who live in Iran are in an extremely precarious position that is highlighted by this extreme treatment of Mr. Rowhani. Although Baha'is are the largest religious minority in Iran, their faith is not recognized as a legitimate religion by the government. In fact, the theocracy in Teheran consider the Baha'i faith to be heresy and an anti-Muslim conspiracy.

Baha'is in Iran are labeled "unprotected infidels" and have no legal rights. Baha'is are prohibited from electing leaders, organizing schools or conducting other religious activities. All cemeteries, holy sites and Baha'i community property were seized after the Iranian Revolution in 1979. Baha'is are denied government jobs and pensions, and more than 10,000 have been dismissed from government and university posts since 1979. Baha'is of school age are also barred from both 4 year high schools and universities, severely limiting economic opportunities. Baha'i marriages are not recognized and the right of inheritance is not recognized for Baha'is. In short, the Baha'i community in Iran is slowly being strangled through a regime of official persecution.

It is important to note also, that the Baha'is in Iran have never engaged in any illegal or anti-government activity that would in any way justify this type of treatment. In fact, it is my understanding that obedience to the civil law of the land in which they live is a principal tenet of Baha'i teachings. The repression of the Baha'is in Iran is purely based on religion and intolerance.

The overall situation facing Baha'is in Iran and the recent execution of Mr. Rowhani raise grave concerns for the fifteen other Baha'is being held by Iranian authorities on religious charges. In particular, seven men have been sentenced to death and may be facing imminent execution.

I urge the Government of Iran to ensure the immediate safety of three Baha'is most imminently in danger of execution—Ata'ullah Hamid Nasirizdih, Sirus Dhabih-Musqaddam, and Hidayat-Kashifi—and to ensure that these men are afforded fair and public trials prior to any action being taken against them.

I also urge on the White House and State Department Administration to work through appropriate channels, including the United Nations, and to work with our allies and friends to make clear to the Government of Iran that the lives of all Baha'i prisoners must be protected and that this behavior is unacceptable and must stop. The rights of the Baha'is of Iran, and of all humans, are unambiguous. It is the responsibility of the Government of Iran to ensure these right for all their citizens.

BROTHER'S BROTHER FOUNDATION

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. COYNE. Mr. Speaker, as Congress moves forward with consideration of the 1999 Foreign Operations bill, I'd like to call my colleagues' attention to the successful programs of the Brother's Brother Foundation (BBF), based in Pittsburgh, Pennsylvania. Using both federal and private funds, the BBF promotes international health and education through the efficient and effective distribution and provision of donated medical, educational, and agricultural resources.

An example of the international aid provided by the Brother's Brother Foundation is its public-private partnership to provide much-needed books to developing countries. BBF used U.S. government funding to ship half of the 40,000,000 privately donated books it received to 50 countries. The requested books are valued at $340 million, and range from children's picture books to medical school texts. In the Philippines, for example, the program has been in operation for ten years, providing more than 8 million books for use by 15 million students in 38,000 schools and libraries. BBF works with U.S. Philippine Rotary Clubs

to coordinate the collection and distribution of the books.

Another example of the important work that the Brother's Brother Foundation does is provide agricultural assistance to developing countries. BBF shipped 7,000 tons of donated corn and vegetable seed to 20 needy countries, including many new states like Armenia. This seed planted 22,000 square miles of farm land. The seed and the volunteer farming technical assistance that was provided with it helped to improve agriculture efficiency and increase rural family incomes. In the Republic of Georgia, for example, U.S. Agency for International Development representatives reported that "Production yields expanded 2 to 3 times." U.S. government funding provided 75 percent of the cost of shipping this seed overseas.

The value of non-profit organizations like the Brother's Brother Foundation are immeasurable. Their efforts are essential for the success of public-private partnerships. I ask my colleagues to remember the Brother's Brother Foundation and organizations like it when voting on international development programs in the 1999 Foreign Operations bill.

COMMEMORATING THE HONORABLE FRANK K. RICHARDSON

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. DOOLITTLE. Mr. Speaker, I rise today to pay tribute to an outstanding public servant, former Justice Frank K. Richardson. Frank K. Richardson, Retired Associate Justice of the Supreme Court of California, has brought credit and distinction to himself through his illustrious record of public service, and it is appropriate at this time to commemorate the valuable leadership and dedicated service he has provided to his community and the people of the State of California.

Justice Frank Richardson was born in St. Helena, Napa County, California, and lived in various locations in Northern California, one of which was Sacramento, where he attended Marshall School. After he completed his freshman year in high school in San Jose, the Richardson family moved to Philadelphia, Pennsylvania, where Frank attended Germantown High School. Frank attended the University of Pennsylvania for his freshman year of college but then transferred to Stanford University, where he graduated with a Bachelor of Arts degree "with Distinction" in political science in 1935. Frank was elected to the Phi Beta Kappa Honors Society, and graduated from Stanford Law School with a Bachelor of Laws degree in 1938.

Frank became a member of the California State Bar in 1938, upon passing the bar exam, and began practicing law in Oroville in the law offices of retired Judge Hiram Walker. While practicing law, Frank immersed himself in the civic life of Oroville by serving as President of the Oroville Rotary Club, as a member of the Methodist Church, and as a Republican candidate for the State Assembly.

While residing in Oroville, Frank met Betty Kingdon, who he later married in 1943. They celebrated their 55th wedding anniversary on January 23, 1998. The Richardsons' household has grown to include four sons and five grandchildren. During World War II, Frank served as a First Lieutenant in the United States Army (Intelligence), participated in the European Theatre of Operations, and received two Battle Stars for his valor.

After the war, Frank and Betty Richardson decided to move to Sacramento, California a place they both love and which has been their home for the last 43 years. From 1946 to 1971, Frank practiced law, first as an associate to Sumner Mering, then as a sole practitioner for 23 years. During this time, Frank taught law classes at night in Evidence and Torts at McGeorge School of Law. In 1971, then-Governor Ronald Reagan appointed Frank Richardson as Presiding Justice of the Third District Court of Appeals in Sacramento. In 1974, Governor Reagan elevated Justice Richardson to the California Supreme Court, where he served for 9 years as an Associate Justice. In December 1983, Justice Richardson retired from the California Supreme Court.

Six months after his retirement from the California Supreme Court, and after a semester of teaching at Pepperdine University School of Law as its Distinguished Visiting Scholar, President Ronald Reagan appointed Justice Richardson as Solicitor to the United States Department of the Interior. In that capacity, Frank supervised the work of the legal staff of the Department of the Interior throughout the United States until his retirement from that position in July 1985.

In recognition of his skills as a lawyer and judge, and for his service to his community, state, and to the legal profession, Justice Frank Richardson has received honorary doctorates in law from Pepperdine University School of Law, Mid-Valley College of Law in Los Angeles, Western State University School of Law in San Diego, and the University of Southern California School of Law, which also made him an Honorary Member of its Order of the Coif Society. Justice Richardson served as a member of the Board of Visitors of Stanford Law School, McGeorge School of Law, Pepperdine University School of Law, Brigham Young University School of Law, and Whittier College of Law. Frank also was a member of the Board of Regents of the University of the Pacific and the Editorial Board for the University of San Francisco Law Review. In the years following his retirement from the California Supreme Court, Justice Richardson has served as Chairman of the Select Committee on Internal Procedures of the Supreme Court of California, as a member of both the Advisory Board of the National Institute of Justice and the California Commission on Campaign Financing, and as a member of the Board of Directors of FEDCO and the Board of Governors of the President Ronald Reagan Foundation.

In 1993, Justice Richardson was elected a Fellow of the American Bar Foundation, an honorary organization of attorneys, judges, and law teachers whose professional, public, and private careers have demonstrated outstanding dedication of the welfare of their communities and to the highest principles of the legal profession. Frank was active in numerous state and local bar activities, including his leadership as President of the Sacramento County Bar Association, as a member of the Executive Committee of the State Bar, the Conference of Delegates, the Committee for the Administration of Justice, and the Committee of Bar Examiners, as Counsel to the California Commission on Uniform State Laws, and as a Fellow of the American College of Probate Counsel.

His attention extended beyond his professional interests to the local community, where he distinguished himself as President of the Sacramento World Affairs Council, the Sacramento Community Welfare Council, the Sacramento YMCA, and the Sacramento Lions Club, as an active community member in the United Crusade and KVIE–Channel 6, Sacramento's public television station, and as the founder and first President and member of the Board of Directors of the Methodist Hospital of Sacramento.

Frank Richardson served on the Board of Directors of the Sacramento Chamber of Commerce, the Boy Scouts of America, the Goodwill Industries of Northern California, and the Sacramento State College Association, and years later, after his retirement from the court, he served as Chairman of Sacramento's Bicentennial Commission.

I take great pleasure in commending the Honorable Frank K. Richardson, Retired Justice of the Supreme Court of California, for his outstanding record of judicial leadership, his long and distinguished record of public service, and his outstanding display of civic leadership. He is indeed a man worth emulating and exemplifies the standards those in his chosen profession seek to uphold.

RIVES CARLBERG—HOUSTON'S TOP INDEPENDENT ADVERTISING AGENCY

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. ARCHER. Mr. Speaker, I rise today to recognize Rives Carlberg advertising and public relations of Houston for 50 outstanding years of dedication and creative service to the people of Houston and the national business community.

Rives Carlberg, Houston's top independent advertising agency, creates award winning advertising, public relations and promotional campaigns for national and regional accounts. With clients such as Compaq Computer Corporation, Houston Chronicle, Igloo Products, Jiffy Lube, KFC, Pilgrim Cleaners, Rheem Manufacturing and Uncle Ben's Rice, Rives Carlberg calls itself the agency of Number 1 brands.

Rives Carlberg also dedicates its time and hard work to various community service projects in Texas, including Park People, the Houston Olympic Committee, Junior Achievement, Juvenile Diabetes Foundation, Sheltering Arms and Washington-on-the-Brazos.

In 1948, Rives, Dyke & Company was formed, specializing in business-to-business advertising. And in 1971, Smith Smith Baldwin Carlberg began specializing in retail and consumer advertising. In order to gain a major

presence in the Southwest, the Nation's largest advertising agency, Young & Rubicam, purchased Rives, Dyke & Company in 1975. In 1978, Y&R merged the two companies to form Rives Smith Baldwin Carlberg/Y&R. In 1986, Chuck Carlberg, agency employees and the Sterling group organized a successful leveraged buyout from Y&R to form Rives Carlberg.

Chuck Carlberg, the president and chief executive officer of Rives Carlberg, is a recent board member of the American Association of Advertising Agencies and past governor of the Southern Region of the 4As. During his 30 years in the advertising business, Carlberg has received many prestigious creative advertising awards, including Clios, Tellys, National Addys and a gold medal in the New York Art Director's Club. He has also been named best creative director in the Southwest by Adweek magazine.

I ask my colleagues to join me in commending Chuck Carlberg and the Rives Carlberg family of employees as they celebrate their 50-year history of outstanding creativity and commitment to the advertising industry.

CONGRATULATIONS TO EVELYN AND LESTER BURTON

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. LEVIN. Mr. Speaker, I rise to recognize Evelyn and Lester Burton, who are being honored at a Gala Celebration by the Michigan Region of the American Committee for the Weizmann Institute of Science on September 10, 1998.

The Weizmann Institute in Rehovot, Israel is one of the world's foremost centers of scientific research and graduate study. Indeed, humankind has benefited from the Institute's advances in methods of fighting disease and hunger, protecting the environment, harnessing alternative sources of energy, and developing advanced technologies for science and industry.

Evelyn and Lester's commitment and dedication to the ideals of the Weizmann Institute have been invaluable. Working behind the scenes, never seeking the limelight, they have been an important part of the Institute's progress. Together, they have hosted scientists in their home, organized science forums in the general community, and facilitated in fund-raising for the Institute.

I met Evelyn and Lester Burton more than forty years ago when we were active in establishing the Berkley Council for Better Schools, an organization founded to preserve and maintain the highest educational standards in the Berkley School District. In the following years, they have both gone on to serve in organizations, the National Multiple Sclerosis Society and others too numerous to mention, but always working to make this world a better place.

Mr. Speaker, I ask my colleagues to join me in congratulating Evelyn and Lester Burton, two private people who have untiringly promoted the public welfare. I wish them, their children and their grandchildren, good health and happiness as they continue to lead such exemplary lives.

IN HONOR OF THE SANTA BARBARA DIABETES PROJECT

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mrs. CAPPS. Mr. Speaker, I rise to pay tribute to the Santa Barbara Diabetes Project, a world-wide collaborative effort to cure and prevent recurrent diabetes.

Since its establishment in 1997 by Director and Chief Scientific Officer of the Institute, Dr. Lois Jovanovic, world-renowned scientists from across the globe join in Santa Barbara, California to work together toward a cure. Over 16 million persons nationwide, including 14,000 in Santa Barbara County, are afflicted with diabetes. Diabetes costs Americans $91 billion in direct medical costs every year, including $28.6 million in Medicare fees. I commend the Santa Barbara Diabetes Project for their leadership and vision to fight this disease.

Scientists with expertise in islet transplants, immunology and gene therapy have traveled from across the country and the world for one goal, a cure for diabetes. I feel privileged to have such a fine example of medical genius, collaboration, and commitment in my backyard.

I also commend the Sansum Medical Research Institute for its leadership and devotion to providing the oversight, laboratory space, and other necessary resources to ensure this project is successful.

CONGRATULATIONS TO THE JOHN N. STURDIVANT NATIONAL PARTNERSHIP AWARD WINNERS

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. CUMMINGS. Mr. Speaker, congratulations to all the winners of the 1998 John N. Sturdivant National Partnership Award. It is appropriate that this award has been renamed for John N. Sturdivant, the late national President of the American Federation of Government Employees, and a leader in forging labor-management relationships between his union and the Federal government.

I am proud to say that one of the recipients of the Sturdivant Award, the Social Security Administration (SSA), is located in Baltimore, MD. SSA and the American Federation of Government Employees (AFGE) have forged labor-management partnerships that have created an environment where unfair labor practices are becoming the exception rather than the rule.

The Social Security Administration is being recognized for promoting and nurturing labor-management relationships. As a result, SSA has seen a decline in unfair labor practice complaints filed by the union; saving the government in litigation costs and hundreds of hours of lost productivity. This is the same agency that has been criticized for abusing the use of "official time." However, the very use of official time by SSA employees enabled them to work with SSA management to produce innovative proposals that improve customer service.

The Democrats have fought many attempts by a Republican-led Congress to do away with official time. As Ranking Member of the Civil Service Subcommittee, I recently waged war against a Republican proposal to undermine the use of official because it was nothing more than a back door attempt to destroy federal employee unions.

SSA has responded to its critics by showing that when labor and management work together, not only do the employees benefit, but so do the American taxpayers.

THE LIFETIME OF ACHIEVEMENTS OF JOHN M. FISHER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. HUNTER. Mr. Speaker, many prominent members of the national security community gathered last week at the Heritage Foundation to recognize the lifetime achievements of John M. Fisher. Last week's luncheon was sponsored by the National Captive Nations Committee and it honored the man who organized the American Security Council in 1955 and has served as its Chairman for the last 43 years.

I have known John on a personal as well as a professional level for many years, and I have a great deal of respect for him. I am serving as one of the House Co-Chairmen of the bipartisan National Security Caucus (NSC). The NSC is now the largest Congressional Member Organization and it was established in 1978 primarily through John's efforts. John is also the Chairman of the non-profit National Security Caucus Foundation which works with the NSC on a wide range of public policy development, education and research programs.

Born in Fairhaven, Ohio, in 1922, he served as a youthful commissioned officer in the Army Air Corps during 1943–45, flying 28 combat missions for which he was decorated several times. He studied at Miami University of Ohio, and graduated with a bachelor of arts degree in 1947. Later he was a student at Brooklyn Law School (1950–51) and at Northwestern University.

For six years he was a F.B.I. Special Agent, and then in 1953 he became the National Director of Security with Sears, Roebuck and Company. While he was a Sears employee, he became the part-time director of the American Security Council, working with General Robert E. Wood, the then Sears Board Chairman. Since 1961, John has devoted all of his time to the operation of the American Security Council.

In the intervening 43 years, John Fisher has devoted himself to national security in the

broad definition of the term. His concerns embrace not only military preparations and defense; but also democracy, and human rights. He has devoted countless hours to efforts to advance freedom and self-determination in former Soviet Union and in such diverse nations as Afghanistan, Angola, Cuba, Nicaragua and all of Eastern Europe.

In 1966, John Fisher led the board of the American Security Council in the purchase of Longlea Farm, the 933-acre estate of the late Alice Glass Marsh, located in Boston, Virginia. There he established the Congressional Conference Center, and with the support of generous donors, he built an additional housing facility for seminar participants and other guests.

The American Security Council facilities now include three major buildings on the Boston property. The magnificent manor house is today known as the Gustavis A. Buder Seminar Center. The residential quarters are known as Ogle Hall, and they are named after Arthur Ogle, who was a prominent Ft. Lauderdale, Florida businessman. The administrative building and library is known as the Sol M. Feinstein Research Library and contains an impressive collection of research material on defense and foreign policy issues.

Throughout the years John Fisher has worked hard to promote peace and freedom. He has worked closely with every president since Dwight Eisenhower, with leaders of both parties in Congress; with Secretary of State, Defense; with leaders of national organizations, and with state and local leaders across the nation.

A pioneer in direct mail and public relations, John Fisher has mounted many national campaigns to gather support for a host of worthy causes in the U.S. and abroad. His efforts in 1978 led to the creation of the National Security Caucus, a coalition of 275 Members of Congress, who focus attention on defense, foreign policy and international economic issues.

John has always been a practitioner of bipartisanship, and one of his guiding principles was best stated by the late Senator Henry "Scoop" Jackson: "In matters of national security, the best politics is no politics."

Having founded the American Security Council and directed its course since the early years of the Cold War, John Fisher has lived to see the collapse of Communism in the former Soviet Union and Eastern Europe, the withdrawal of Russian and Cuban forces from Afghanistan and Angola, the democratization of much of Central and South America, and the progress of democracy in parts of Africa and Southeast Asia.

Much credit must be given to the heroes of the Cold War. A due recognition must also be assigned to a truly remarkable American leader, who despite lacking governmental portfolio, has contributed mightily to the nation's well-being and security: John Morris Fisher, the Chairman of the American Security Council and the National Security Caucus Foundation.

TRIBUTE TO HELEN DOYLE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a woman who has diligently served the community for the past 50 years. Helen Doyle was enrolled as an honorary Augustinian at a ceremony on September 5 at St. Matthew Roman Catholic Church in my hometown of Flint, Michigan. The Very Reverend David Brecht O.S.A., the Prior Provincial of the Midwest Augustinians, officiated at the ceremony at the direction of the Augustinian General in Rome.

Helen Doyle left her Irish home in 1948 seeking a new life in America. The life she found was not the one she had pictured when she stepped of the S.S. Marine Falcon in New York City 50 years ago. God had a vocation in mind for Helen, and once here, she discovered that vocation. She has devoted her entire adult life to making St. Matthew Parish a wonderful place of welcome and worship. Her cheerful demeanor brightened the lives of the priests, sisters, and brothers assigned to work at St. Matthew Parish. Helen assisted the new parishioners and was a familiar sight to the children attending St. Matthew School. She has enriched thousands of lives over the last 50 years.

As a Roman Catholic, my faith plays a vital role in my life everyday. As a member of the House of Representatives, I consider it my duty to work toward improving and enhancing the quality of life for all persons. Helen Doyle is a person of such faith and her selfless dedication to the Church, its members and all humanity makes her an inspiration to me. She has lived her life jubilant in her faith and the place she holds in God's plan.

On behalf of the citizens of the 9th Congressional District, I want to commend Helen for all she has done to promote and protect human dignity. I ask the House of Representatives to join with me today and pay tribute to an outstanding woman, Helen Doyle, as she is honored for 50 years of service to the Augustinians and the St. Matthew Parish community.

TRIBUTE TO RALPH G. CASO

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. KING. Mr. Speaker, I rise today to pay a special memorial tribute to Ralph G. Caso. My Congressional District, indeed all of Nassau County and Long Island, has suffered a tremendous loss with the death of Ralph Caso, one of the most distinguished public officials ever to serve the people of my town and county.

Ralph Caso, husband of Grace and father of Ralph and Jolisa, was born and raised in Manhattan and moved with his family to Long Island in his youth. He was a graduate of New York University Law School and a veteran of World War II. While practicing law in his home community of Merrick, Ralph Caso became involved in local politics and was elected a councilman of America's most populous town—the Town of Hempstead. He rose to the position of supervisor and then presiding supervisor, serving in that position from 1965 to 1970. In 1970 he was the overwhelming choice of the electorate to take the position of Nassau County Executive, the highest elective position in the county. County Executive Caso was re-elected in 1973 and was the Republican nominee for Lieutenant Governor in 1974.

While serving in the Town of Hempstead, Ralph Caso demonstrated outstanding leadership abilities. He moved immediately to improve and expand the town's park system, converting it into one of the finest in New York State. In addition, Mr. Caso demonstrated a quality for which he later became renowned—compassion. The father of a handicapped son, he founded Camp Anchor, a summer and after school camp at the seashore for handicapped youngsters. At the same time, Mr. Caso was credited with starting the building of thousands of units of low cost senior citizen housing units for elderly residents living on fixed incomes.

Ralph Caso continued his visionary policies when he was elected as County Executive. Among other things, the Nassau County Veterans Memorial Coliseum, home of the New York Islanders hockey team, was built during his administration. In addition, the new 19-story Nassau County Medical Center was completed during his tenure.

On a personal level, I wish to record my gratitude to Ralph Caso for agreeing to serve, during his retirement years, as my personal emissary to the senior citizen community where his good works will long be remembered.

Mr. Speaker, Nassau County has lost one of its greatest leaders, a man of courage and vision. Ralph Caso will be deeply missed.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. ADAM SMITH OF Washington. Mr. Speaker, my flight from SeaTac airport was delayed yesterday evening, and I missed three votes. Had I been present, I would have voted "yes" on H. Res. 459, "yes" on H.R. 678, and "yes" on H.R. 1560.

CONGRATULATING FRANK AND TINA LEE UPON THE BIRTH OF WILLIAM FRANK LEE, JR.

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. ETHERIDGE. Mr. Speaker, I rise today to congratulate my good friends Frank and Tina Lee of Smithfield, North Carolina. On August 17, 1998 at 3:33 p.m. they welcomed into the world their first son, William Frank Lee, Jr.

There is nothing more wonderful and joyous than watching a child grow and I know that they will treasure every new day with their son. Faye joins me in wishing the Lees great happiness during this very special time of their lives.

HONORING DR. JUDITH CRAVEN

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of honoring Dr. Judith Craven. This Resolution recognizes Dr. Judith Craven on her retirement as the President of The United Way of the Texas Gulf Coast.

Judith Craven is a Medical Doctor, a Master of Public Health, and has served as President of The United Way of the Texas Gulf Coast since the fall of 1992. Under Dr. Craven's leadership The United Way of the Texas Gulf Coast experienced financial stability and growth. As result of Dr. Craven's determined efforts the United Way of Texas Gulf Coast became the fourth largest campaign in the nation.

During her tenure, unprecedented growth in multicultural communities offered new challenges and opportunities, both in campaign and volunteer recruitment areas. This challenge was met by Dr. Craven's recommitment to the values to the United Way. Dr. Craven embraced the values of diversity in volunteer composition and in service to a multi-cultural community.

Dr. Craven maximized fund raising efforts, by conducting a community wide campaign that increased the opportunity for everyone to be able to give and which sought to ensure funding stability in the community. The hallmark of Dr. Craven's fiscal responsibility was a results oriented stewardship for every charitable dollar given.

Just one example of Dr. Craven's contribution to her community was the creation of the Community Table. This effort resulted in a place where diverse individuals and groups could meet together to collaboratively plan and respond to health and human service needs. Her efforts are responsible for better communication among service providers which serve those in need.

Dr. Craven used her influence and considerable powers of communication to effectively communicate with public policy partners at the city, county, state, and federal levels to affect health and human services. This considerable effort resulted in a more effective social service delivery system.

Thus, it is clear that under the leadership of Dr. Judith Craven, the United Way of the Texas Gulf Coast has become a recognized and respected leader of the nonprofit community. Dr. Craven's leadership and administration should be copied by all nonprofit organizations.

Thank you Dr. Craven for your commitment and dedicated leadership in service to Texas Gulf Coast community.

CONDEMNING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

HON. JAY KIM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. KIM. Mr. Speaker, today I introduce this House Resolution to condemn the Democratic People's Republic of Korea (DPRK) for its recent missile test over the air space of Japan. We cannot be silent on this reprehensible action. The North Korean government has proven time and time again its utter contempt for the established norms of international diplomacy and behavior.

While many of their actions in the past could be written off as incomprehensible, or even comical, this one is of much graver concern. The new-found ability of an irrational unpredictable, and undemocratic regime to deliver weapons of mass destructions with such swiftness must at the very least draw a harsh condemnation from this body. To stay silent on this matter would be equivalent to telling the DPRK to go right ahead and test again. And that would be foolhardy and dangerous.

I urge my colleagues to cosponsor and support this timely resolution.

RECOGNIZING THE INTERNATIONAL MEDICAL CORPS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. WAXMAN. Mr. Speaker, as Congress considers the 1999 Foreign Operations Appropriations Bill, I would like to take this opportunity to recognize the successful international humanitarian programs of an organization based in Los Angeles.

The International Medical Corps (IMC) was founded in 1984 by a group of volunteer physicians and nurses. Its mission is to save lives, relieve suffering and improve the quality of life through health interventions in areas where few organizations dare to serve. IMC offers medical assistance in areas at high risk, and offers medical training to rehabilitate devastated health care systems and help them become self-reliant. Since 1984, IMC has worked in Afghanistan and Pakistan, Angola, Bosnia-Herzegovina, Burundi, Somalia, and the Sudan. I would like to highlight the successes of IMC's programs in Bosnia and Sudan.

In 1994, IMC responded to dangerously low child immunization levels in Bosnia—a result of the constraints of the long civil conflict. Children were unprotected against measles, diphtheria, pertussis, tetanus, childhood tuberculosis and polio: illnesses which account for the highest mortality rate worldwide among unvaccinated children under five years old. IMC's accelerated immunization program has resulted in the application of over one million doses of vaccine in Bosnia since 1994, and has raised the vaccination rate from 30% coverage to over 90% coverage in the program areas. The program, funded by the Office of Foreign Disaster Assistance (OFDA), has reduced illness and saved the lives of thousands of children, and set a standard widely accepted for use in war torn areas where immunization rates need to be increased.

In a real example of helping others help themselves, IMC established an emergency medical technician training program and emergency medicine outreach projects in Bosnia. IMC helped establish the first Western-style emergency department in the country at Zenica Hospital, and provides training in emergency medicine to Bosnian physicians and nurses.

A partnership project in South Sudan between IMC and CARE is aimed at controlling and eradicating an epidemic of African trypanosomiasis, more commonly known as Sleeping Sickness, a disease which is 100% fatal unless treated. Approximately 60,000 people in Tambura and Yambio counties are at risk of infection, and as many as 9,000–12,000 are in need of immediate treatment. The project involves screening the entire populations of both counties for the parasite. 99% of the population of Ezo Payam, the village which is the epicenter of the epidemic, has already been screened, and the infected population has been treated. The project has also identified and trained 99 local health workers to perform essential services related to Sleeping Sickness, and will continue to screen and provide treatment to the remaining populations of Tambura and Yambio counties. The program is proving to be very successful in controlling the fatal disease, and its training of health professionals is rebuilding the area's indigenous health care system—giving the Sudanese the capability to respond to future outbreaks rapidly and successfully.

As this House considers funding for international humanitarian and development assistance in the foreign operations bill, remember the dedicated volunteers of the International Medical Corps, who work tirelessly to alleviate human suffering around the world.

POW/MIA RECOGNITION WEEK IN MATAGORDA COUNTY, TEXAS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. PAUL. Mr. Speaker, on Sunday, September 13 I will have the distinct pleasure of being the keynote speaker at the opening ceremonies for POW/MIA Recognition week in Matagorda County, Texas.

This event will be sponsored by Matagorda County Veterans Services as a part of POW/MIA Recognition Week. Mr. Speaker, as a United States Air Force veteran I am well aware of the sacrifices which brave young men are required to make during times of war. Perhaps no better example of these sacrifices can be found than those endured by Prisoners of War and those Missing In Action. From "Hanoi Hilton" to "Saving Private Ryan" we have seen the dramatic horrors that war brings, but behind the stories, beyond the silver screen, there are real Private Ryan's who never do make it home. And there are families

broken, lives affected and communities touched, by the real sacrifices of the real heroes who fight America's wars.

I believe that no young man or woman has ever entered the military hoping to face combat, but most answer the call because they believe in the liberties which our nation was founded upon, and they see our nation as a beacon of liberty. It is to these young people that I wish to bring honor and it is to those who have become Missing, or are held Prisoner, to whom I believe this nation must pledge ongoing fealty. Specifically, I would like to memorialize U.S. Army Sergeant Joe Parks, from Matagorda County, who died while in captivity in Vietnam.

Mr. Speaker, our nation has suffered a great burden as a result of the wars of this century, in some instances it has nearly been torn apart by these wars, but none have suffered more than those who are missing, and their families, many of whom still hope against hope that they will one day return, either to resume lives or to be granted a proper burial. Our nation still has some 93,000 individuals who are unaccounted for, some of whom are believed to be POW's even now during a time of relative peace. Mr. Speaker, I believe we owe it to these men, and to their families, to get a full accounting for every person which this nation has sent abroad. I believe we owe it to our nation to bring each and every one of them home.

With the opening of archives from the former Soviet Union we have seen evidence of how young American servicemen were allowed to become political chess pieces for a totalitarian regime. It is due to the efforts of groups such as Matagorda County Veterans Services that we can honestly say "You Are Not Forgotten" to those who have sacrificed so much. And it is critical that we keep these memories forever etched in our minds so that we might also recall the mantra "never again." Never again should Americans be forced to face the brutalities of war, such as those faced in Prisoner of War camps, and never again should we allow brave Americans to go missing in action.

SHRIVERS SALT WATER TAFFY 100 YEAR ANNIVERSARY

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. LoBIONDO. Mr. Speaker, Shriver's Salt Water Taffy in Ocean City recently celebrated its 100 year anniversary. Shrivers has been making children and adults smile with its salt water taffy, fudge and other treats for a century from its location on the historic Ocean City boardwalk. Shriver's was founded by Mr. William Shriver in 1898. Before then he sold candy and ice cream from a cart on the boardwalk. The Shrivers tradition is now maintained by owners Hank Glaser and Virginia Berwick.

Not long ago, Shrivers underwent a major renovation to restore its facility to resemble the original building. The restoration won local and statewide acclaim. Inside, Shrivers has retained many of its original fixtures and sports a candy museum featuring a collection of candy and ice cream molds, some over 100 years old.

While the methods have changed over the years, Shrivers' sweet success can be traced to its sticks of wax paper-wrapped salt water taffy. A box of Shrivers salt water taffy is still as coveted as a gift to friends and family as it was when Shrivers first started boxing their candies. Shrivers no longer pulls their taffy by hand but instead relys on automatic pulling machines. Pulling salt water taffy stretches and aerates the candy making it chewable. It is during the pulling process that flavoring and coloring are added. Seventeen flavors fill a box of Shrivers salt water taffy, but visitors to the "pick and mix" table can find additional special flavors such as creamsicle, rum or sour cherry. I have not tried every flavor, but the ones I have tasted have been delicious.

Shrivers has been a pillar in the community of Ocean City. I am proud of their century-old status and I hope their confections keep putting smiles on the faces of children at the Shore for generations to come.

TRIBUTE TO LARRY FOREMAN OF LAWSON, MISSOURI

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Ms. DANNER. Mr. Speaker, today I am pleased to pay tribute to my constituent Larry Foreman of Lawson, Missouri. I would like to commend him on the occasion of his retirement in July 1998 after many dedicated years of service to Ford Motor Company and the UAW.

Larry was born in Shelby County, Missouri. He was raised in Novelty, Missouri and graduated from high school in 1960. After attending U.S. Trade School in Kansas City, he served in the Marine Corps from 1961–1965.

In February of 1965, Larry began work on the assembly line in the Passenger Trim Department of the Ford Motor-Company Kansas City Assembly Plant. In 1966 he continued his work as a fork-lift operator in the Stock Department. In 1967 he became a hi-lo mechanic in the Maintenance department.

Larry was elected district committeeperson of UAW-Local 249 on the day shift in the Stock Maintenance Department in 1973. He held this position for 11 years. He also served as Skilled Trades Representative and Delegate until 1984. He was then elected President of Local 249. He was appointed to the staff of the International Union-UAW as an International Representative in the National Ford Department. He worked in Detroit on UAW-Ford Joint Programs until he was transferred to the Region 5 staff in Kansas City in 1989 as a servicing representative for Locals 249, 710, 1070, and 2366. He served at this post until his retirement on July 1, 1998.

Mr. Speaker, please join me in congratulating Larry on all his years of dedicated service. I would like to take this opportunity to wish him the best as he begins a new life in his retirement years.

A TRIBUTE TO ONE OF OREGON'S OWN

HON. ROBERT SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. SMITH of Oregon. Mr. Speaker, I rise today to pay tribute to an exemplary public servant whose roots lie in my home district in Oregon. For 30 years, Captain Richard E. Gross of Klamath Falls has served as a commissioned officer in the U.S. Public Health Service. Assigned to the Food and Drug Administration in Rockville, Maryland, Captain Gross has been a leader in a number of collaborative programs between the federal government and the states designed to reduce medical radiation exposure and ensure the safe use of various medical devices.

As with so many things in life that we take for granted and go unheralded, the job of keeping us safe is one that people like Captain Gross—"Dick" to his colleagues—thankfully are committed to. Whenever we or someone we know has an x-ray to detect a bone fracture or diagnose a medical condition, we rarely think about how much radiation is used, how well the equipment is operating, or how proficient the person taking the x-ray is. For three decades, Captain Gross has made it his business to ensure that we don't have to think about these things—in other words, it's been his job to help see to it that x-ray examinations are performed safely and optimally. Trained as a health physicist at Oregon State University, Captain Gross has distinguished himself as a scientist, a program manager, a national policy strategist, and a highly respected technical advisor to radiological health officials in state governments throughout this country.

In his tenure at the FDA, Captain Gross has spearheaded programs that have markedly reduced unnecessary radiation exposure from a wide range of commonly-performed x-ray procedures, including mammography, which we all know is a life saving diagnostic procedure that millions of American women undergo each year to pinpoint early-stage breast cancers or rule out the presence of the disease. He has been a driving force behind a host of federal-state programs designed to increase the safety and efficiency of x-ray producing equipment and the competency of those who conduct radiographic examinations. Captain Gross has also contributed significantly to the development of medical radiation safety regulations for use by state health agencies to ensure that x-ray facilities, regardless of their location, provide x-ray services that are uniformly safe and effective. It would be no exaggeration to say that every state and virtually all x-ray facilities in our nation have been positively affected by the career-long efforts of Captain Gross.

Captain Gross has applied these same skills to the field of medical devices. His knowledge of state health operation, coupled with his wide-ranging experience in modifying people's behavior through education, has had a profound effect on how safely and effectively medical diagnostic and therapeutic devices are used. In the area of renal dialysis, for example, Captain Gross showed remarkable

leadership in helping forge a successful national strategy to upgrade the clinical practices of dialysis providers and the quality assurance controls designed to optimize the performance of dialysis treatment systems.

Although American consumers may not know of Captain Gross' contributions to public health, his colleagues and superiors surely do. Throughout his illustrious career, he has received numerous awards from FDA and the Public Health Service, including the PHS Outstanding Service Medal, a PHS Commendation Medal, two PHS Outstanding Unit Citations, and a PHS Unit Commendation. And when his long career comes to a close this fall, Captain Gross will be recognized by the Conference of Radiation Control Program Directors, an organization comprised of the heads of radiation protection agencies in all 50 states.

I want to add my congratulations to Captain Gross and wish him the very best in his retirement years in our beloved state of Oregon. Well done and welcome home!

SALUTING THE MEN AND WOMEN OF NORTH CAROLINA LAW ENFORCEMENT

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. TAYLOR of North Carolina. Mr. Speaker, on May 12, 1998, I spoke to the issue before the House regarding the sense of the House regarding law enforcement officers who have died in the line of duty. At that time, I noted that every day in America, police officers keep the peace in our communities. They stand as guardians of that line that too many thugs and hoodlums dare to cross. Tragically, in the line of that duty, some of these brave protectors are killed. Indeed, this very House has recently been the scene of such a tragedy.

In my remarks at that time, I added the names of North Carolina's fallen peace officers to the CONGRESSIONAL RECORD so that their sacrifice would always be remembered. Since then, my constituents brought one more name to my attention for inclusion in the CONGRESSIONAL RECORD, that of Officer Denny Quay Enevold of the Hendersonville Police Department, who died in the line of duty on November 23, 1982.

I am pleased and honored to do so at this time.

CONGRATULATING THE RIDGEWOOD PUBLIC LIBRARY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Ridgewood Public Library on its just-completed renovation, a major project that has nearly doubled the size of my hometown library and will help this outstanding facility better serve Ridgewood residents well into the next century. Completion of this project comes as the library marks its 100th anniversary of service.

Libraries are more than just a repository of books and other media. They are centers of information and ideas, places to inspire thought and innovation. They serve the young and old alike, from pre-schoolers imagining the world ahead at story hour to seniors rereading the history of their youth. They are an essential, indispensable part of every community.

The Ridgewood Public Library has been a powerful influence on its citizenry for a full century. The library had its beginnings in 1898, when the Ridgewood Village Improvement Association opened the village's first circulating library of donated books in a rented room. The association's stated purpose in opening the library was to "further Ridgewood's social development."

The library quickly grew. By 1900, the expanding collection of more than 2,000 books prompted a move to larger rented accommodations. In 1916, Ridgewood resident Gertrude Pease Anderson, one of the founders of the Village Improvement Association, designated that $150,000 from her estate be used to construct and maintain a library building. In 1923, that building, the George L. Pease Memorial Library, opened on Garber Square.

By 1962, Ridgewood's population had more than tripled and a new library costing $367,000 was built on North Maple Avenue. More than 500 individuals contributed over $50,000 for new furnishings, continuing the tradition of the community's philanthropic support for library service.

In 1988, the Library Board of Trustees again recognized the need for larger, more flexible library space and began planning for expansion and renovation. Fundraising for the project began in 1993. In April 1997, a groundbreaking ceremony signaled the start of construction.

The library has now been fully renovated and expanded from 20,000 to 34,000 square feet. The new library offers more bookstacks, media, study space with parkland views, a new community auditorium, and full access for the disabled. Computers offer multimedia information through the Internet and library networks, and staff will provide ongoing technology training.

New features include: A sky-lit lobby for reading amid art displays. A children's Department with story tower, project studio and study carrels. Circulation Center offering high-demand books, periodicals and media. Young Adult Area featuring lounge seats, computers and paperbacks. Auditorium with stage, LCD projector, 160 seats for meetings and events. Reference level including rooms for silent study, local history, technology training, literacy tutoring, and health and career information centers.

The cost for construction, furnishings and equipment for the library will be close to $4 million, funded half through private donations gathered in a 5-year, town-wide fund-raising campaign and half through a Village of Ridgewood municipal appropriation.

Augustine Birrell said, "Libraries are not made; they grow." The Ridgewood Public Library has been growing for 100 years. It will continue to grow for many more years, and as it grows, so will grow the minds of those it touches. I offer the Ridgewood Public Library my full support in all its endeavors and ask my House colleagues to join me in offering our congratulations.

The Ridgewood Public Library reflects the forward-looking enlightenment that has always typified the residents of this community—one of the most outstanding communities in all of New Jersey.

HAPPY 50TH ANNIVERSARY, CLARE AND BETTY HERRIMAN

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. BARCIA. Mr. Speaker, tomorrow is a very special day for two very special people. Tomorrow two high school sweethearts, Clare Herriman and Betty Brown, will be celebrating their 50th wedding anniversary with friends and family who have had the privilege of sharing in their lives.

These two lucky individuals became a couple who are a model for so many young people who wonder whether or not two people can sustain a lifetime commitment to one another. They met when they were students at Tawas City High School, graduating a year apart. And one year after Betty's graduation in 1947, they were married.

Clare worked at the US Gypsum Company for 42 years, having retired on October 1, 1990. During that time, Betty raised four children, Harold, Sherry, Craig and Harvey. The stability of their relationship, the influence of a positive home life, and the example of two parents who are devoted to one another and to their children is truly something to be celebrated. I have had the specific privilege of knowing their son, Craig, who has taken those most valuable lessons he learned at home and has successfully applied them as the Sheriff of Iosco County.

Clare and Betty have also been very active in their community as members of the Masonic Lodge and the Shriners of Tawas. They have given to each other, to their family, and have still made time to give to their community.

Mr. Speaker, I am sure that all of us pray that we can be as fortunate to have a life as fulfilling and happy as Clare and Betty Herriman. I ask you and all of our colleagues to join me in wishing them the very best on their 50th anniversary, and many more anniversaries together to come.

INTRODUCTION OF "HELPERS" LEGISLATION

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. NORWOOD. Mr. Speaker, I rise today to offer legislation that will help create thousands of jobs for low skilled laborers across

this country. This legislation will allow a class of construction workers called "helpers" to work on federal construction projects.

"Helpers" are construction workers with little or no previous training who perform lower skill tasks to assist higher skilled workers. These are good first jobs for young or inexperienced workers—just the kind of workers we are attempting to encourage to work with welfare reform.

Now you would think that the government would do what it could to encourage work for these folks. At the very least you would hope that the government would not put any obstacle in the way of these folks finding good work. Well as I have learned in my 4 years up here you and I might hope this but it is probably unwise to rely on the government to do this.

And sure enough the Department of Labor has put some obstacles in the way of "helpers" who would like to work on federal construction projects. The Department refuses to recognize these workers as a legitimate and "prevailing" job classification under the Davis-Bacon law. This prevents many "helpers" from obtaining jobs on federal construction projects.

Today I am introducing legislation which will recognize "helpers" under the Davis-Bacon law and thereby allow them to work on federal construction projects. I urge my colleagues to join me as cosponsors of this legislation. Let us remove this obstacle to jobs. Let us expand the Davis-Bacon Act in order to create jobs for our lower skilled workers.

ARTS EDUCATION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to address the importance of arts education—music, dance, visual arts, and theatre—to learning and development. Art as an academic discipline has long been seen as an essential component of education. From the dawn of western culture, through the Middle Ages, to the education of our own forefathers and the great schools of today, the western tradition relies on the use of arts education to enhance the cognitive and cultural development of children.

Recent scientific studies confirm what teachers of old have always known—art and music stimulate higher brain function. Referred to now as the "Mozart Effect," researchers have demonstrated that classical music enhances spatial-temporal reasoning. Moreover, music education elevates test scores in other academic disciplines.

In light of this information, the arts education community under the leadership of the Consortium of National Arts Education Associations is working to shape education policy in a way that maximizes the benefits of the arts for all children. Recently, they produced a Statement of Principles which states seven basic concepts for successful arts education.

A STATEMENT OF PRINCIPLES

First, every student in the nation should have an education in the arts.

Second, to ensure a basic education in the arts for all students, the arts should be recognized as serious, core academic subjects.

Third, as education policy makers make decisions, they should incorporate the multiple lessons of recent research concerning the value and impact of arts education.

Fourth, qualified arts teachers and sequential curriculum must be recognized as the basis and core for substantive arts education for all students.

Fifth, arts education programs should be grounded in rigorous instruction, provide meaningful assessment of academic progress and performance, and take their place within a structure of direct accountability to school officials, parents, and the community.

Sixth, community resources that provide exposure to the arts, enrichment, and entertainment through the arts all offer valuable support and enhancement in an in-school arts education.

Seventh and finally, we offer our unified support to those programs, policies, and practitioners which reflect these principles.

These principles should serve to guide education policy by providing an approach to arts education which is practical and consistent with western traditions.

RETIREMENT OF CHIEF JUDGE PATRICK SHEEDY

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. BARRETT of Wisconsin. Mr. Speaker, Judge Patrick Sheedy retired, last month, after eight years as Chief Judge of Wisconsin's First Judicial District and eighteen years on the bench. I appreciate this opportunity to tell my colleagues about Judge Sheedy and his remarkable service to the State of Wisconsin and Milwaukee County.

Attorney Patrick Sheedy began his practice fifty years ago, and he earned a distinguished reputation as a civil lawyer. He also made the advancement of the legal profession a personal priority and held several leadership positions in the Bar Association.

Patrick Sheedy was elected to the bench in 1979. Over the next decade, he served in the Circuit Court's children's, civil and family divisions, winning the admiration of his colleagues and Milwaukee's legal community, not only for sound decisions from the bench, but also for his determination to ensure that justice was served with expediency, as well as with prudence.

In 1990, Wisconsin's Supreme Court named Judge Patrick Sheedy Chief Judge of Wisconsin's First Judicial District, giving him responsibility for the administration of the county's entire judicial system. Today, that system includes over fifty circuit judges and court commissioners, and it receives over 100,000 filings a year.

Patrick Sheedy excelled as Chief Judge. He remained steadfastly committed to the ideal that cases should be heard and resolved as quickly as humanly possible. He always did it in good humor with a smile on his face, but he did not shy away from making the tough decisions and fighting the tough fights. He acted with creativity and determination, assigning reserve judges to handle the overload, limiting "judge shopping" by defendants, and cajoling funding out of legislators in Madison. And it paid off. On his last day of work, the Milwaukee County courts were acting on misdemeanor cases in less than 98 days and on drug cases in only 63 days, and his system ranked fifth in the country in handling felony cases. Another of his priorities as Chief Judge was making the judicial system more accessible and inviting to County residents. He secured grant funding for a study of the system's actual and perceived access barriers, and he involved ordinary people in the process of eliminating those barriers. When he retried, he left the residents of Milwaukee County a more effective, more responsive, judicial system than when he arrived.

Mr. Speaker, Chief Judge Patrick Sheedy has earned an honor to which those of us in public service aspire more than any other: he has earned the right to look back on his career and know that he has made a difference for his community. I ask that my colleagues join me in offering congratulations to Chief Judge Patrick Sheedy and thanks for a distinguished career in service to the people of Milwaukee County.

HONORING THE CARLOW COLLEGE WOMEN OF SPIRIT

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. COYNE. Mr. Speaker, I rise today to honor the Carlow College "Women of Spirit" for the past year.

Founded in 1929, Carlow College has dedicated itself to the spirit of involvement and making a difference. The Woman of Spirit award highlights the achievements of Pittsburgh area women who exemplify competence and compassion in their communities, professions and personal lives. The Woman of Spirit Award recipients can be found in almost every profession in the region. Both the Woman of Spirit Award recipients and Carlow College embody the values that we wish to foster in our children, and they provide admirable role models for young women in Allegheny County and around the world.

Each year, an annual gala is held to honor the award recipients of the previous year. This year's gala will be held on September 19, 1998. I wish to speak about each of these remarkable women today.

The October 1997 recipient of the "Woman of Spirit" award is Suzanne Broadhurst. After graduating from Penn State University, Ms. Broadhurst became a teacher in the Baldwin-Whitehall school district. After giving birth to three sons, Ms. Broadhurst decided to stay home to raise her children and devote time to volunteer activities. Much of her volunteering deals with education. One of her largest commitments is the Allegheny Policy Council, which is dedicated to bringing educational reform to the Pittsburgh metropolitan area. She is also a broad member of the Phipps Conservatory and a trustee of the University of Pittsburgh and the Carnegie Museums of Pittsburgh.

November's recipient of the "Woman of Spirit" award is Ruth Donnelly Egler. Though she is the mother of eleven children, Ms. Egler has served on the boards of a number of prestigious Pittsburgh institutions. These have ranged from the boards of the Oakland Catholic School and Duquesne University to the International Poetry Forum and the National Conference of Christians and Jews. Her numerous volunteer activities stem from her belief that one term is enough. She believes that others, especially the young, can offer new perspectives to such boards, and should be given the opportunity to serve.

The president and CEO of S. W. Jack Drilling company, Ms. Christine Toretti, is December 1997's winner of the "Woman of Spirit" Award. Ms. Toretti's business associations include a position as the director of the International Association of Drilling Contractors, among others. She has been named to the Pennsylvania Honor Roll of Women and Pennsylvania's Best 50 Women in Business. However, she also spends time out of the office. She is a strong force in the Republican party, having been named the Republican National Committeewoman for the Commonwealth of Pennsylvania. Ms. Toretti also dedicates her time to the Alice Paul House Domestic Violence Shelter.

Carlow College is honored to give the "Woman of Spirit" award for January to Sally Wiggin, a WTAE–TV anchorwoman. Ms. Wiggin spends much of her off-air time reading to children about things she believes are important, like tolerance, family, and conservation. She also volunteers at places that promote these beliefs. Ms. Wiggin is involved with the Pittsburgh Zoological Society, the Women's Center and Shelter, the Grieving Center for Children, the City Theater, and Animal Friends.

Marva Harris, February's winner of the "Woman of Spirit" award, uses her position as senior vice president and manager of community development for PNC Bank Corporation to help others who are less fortunate in Pittsburgh. Her work focuses on community reinvestment and the economic revitalization of low- and moderate-income housing. Her volunteer activities target these same goals. she helped to found the Pittsburgh Partnership for Neighborhood Development, and has served as the vice president and secretary of Pittsburgh Action Housing. She has received a number of awards for her dedication to the affordable housing cause, including the Cecile M. Springer Award for Womanpower 1997, a conference for African-American women. In recognition of her "Woman of Spirit" award, PNC Bank has created a scholarship to Hill College in Ms. Harris's honor.

Sister Mary Paul Hickey is the winner of the March, 1998 "Woman of Spirit" Award. Sister Hickey has made a life of educating both children and teachers. She has, in conjunction with Carlow College, created an innovative elementary school that benefits from being affiliated with a college campus. The college's resources enable students to realize their own potential, while creating a nurturing, compassionate environment. She has also served as an instructor of elementary curriculum and methods and has chaired the Department of Education at Carlow College.

The April, 1998, winner of the "Woman of Spirit" award is Dr. Joanne White. Dr. White helped to improve the education and health care of the world's nurses through the creation of the Center for International Nursing at Duquesne University in 1992. Her interests stem from a trip to Nicaragua, where she helped to develop a "sister school relationship" with the Polytechnic University School of Nursing. The Roberto Clemente Health Center, in Nicaragua, would not have opened without her help. Although much of her passion is devoted to Nicaragua, she has interests in all Latin American countries, which led to her receiving the "Pacem in Terris" (Peace on Earth) award from La Roche College.

Mary Kane Shatlock, the May recipient of the award, is a mother, a teacher, and a small businesswoman. She balances these three responsibilities very well, and still has time to contribute to her church's music program. She has raised four children. She has also been able to donate all of the proceeds from her business to charity. Ms. Shatlock has been able to teach and run her business even after her husband's passing. Her dedication to music and art has undoubtedly been passed on to her students, and her strength has been an inspiration to her children and grandchildren.

Even though Lorene Steffes has only lived in Pittsburgh for a year, she is certainly a worthy recipient of the June "Woman of Spirit" award. She is currently the president and CEO of Transarc Corporation, an IBM subsidiary. While still living in the Chicago area, Ms. Steffes was the executive sponsor of the Society of Women Engineers. Recently, she was appointed to the Pittsburgh High Technology Council Board of Directors. She also now serves on the Pittsburgh Disability Employment Demonstration Project for Freedom. This organization helps disabled individuals advance in technology positions. She and her husband are the proud parents of two children and have three grandchildren.

By tradition, there is usually only one recipient a month for the "Woman of Spirit" award. July's recipients are so interconnected, though, that it would be unfair to give the award to just one. The McGinnis Sisters—Bonnie, Sharon, and Noreen—are the owners of a small chain of specialty food stores that bear their name. The two branches have grown into one of the nation's top specialty food stores, with sales of more than 10 million dollars annually. The sisters began working in the stores when they were eight years old, and have since taken over the business from their parents. The sisters continue their parents' custom of giving, making substantial contributions to the Greater Pittsburgh Community Food Bank and over 250 other charities. Aside from running the family business, the sisters are dedicated mothers.

Lisa Pupo Lenihan has been honored as the August 1998 "Woman of Spirit." She is the managing director of the law firm of Burns, White, and Hickton. Here, she became the first woman to head a medium-to large-sized law firm in Pittsburgh. She also donated her time to helping many causes, along with being the mother of three. She chairs a fundraising event at the Zoar Home, a treatment center for young women who are pregnant or have young children and are addicted to drugs or alcohol. She has served as the chair of the Board of Directors for ARCH (Artists Raising the Conscience of Humanity) Productions, Inc., which helps at-risk youth. She also started the Pro-Bono Legal Committee for the Pittsburgh AIDS Task Force. She also donates time to promote women in her field. Along with all these volunteer efforts, she and her husband have three children to raise.

Carlow College gave Phyllis Moorman Goode the September, 1998, "Woman of Spirit" award. Ms. Goode has been a vibrant member of both the arts community and the African-American community, and has tried to relate these actions whenever possible. She has chaired the Pittsburgh Foundation/Howard Heinz Endowment Multi-Cultural Arts Initiative, and is a member of the Junior League of Pittsburgh, the YWCA Liz Prine Fund Distribution Committee, and the Pittsburgh Playback Theater, among other things. She has also volunteered her time for education and teen pregnancy issues. Her commitments have earned her many honors in the City of Pittsburgh. She and her husband are currently raising one son.

Mr. Speaker, the women that named her are all great role models. They contribute different qualities, each of which make Pittsburgh a great place to live. With the Woman of Spirit award, Carlow College has called much-deserved attention to these women. The women I have spoken of have energy, enthusiasm, intelligence, compassion, and competence that is unmatched. I salute this year's Woman of Spirit award recipients and wish them the best at this year's gala and beyond.

IN HONOR OF THE 100TH ANNIVERSARY OF THE SMITH & OBY COMPANY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. KUCINICH. Mr. Speaker, I rise to celebrate the 100th anniversary of the Smith & Oby Company, a mechanical contractor in Cleveland, OH.

Smith & Oby Company is the oldest continuously operated mechanical and plumbing contractor in Ohio. For a century, Smith & Oby has unselfishly dedicated itself to improve conditions in the mechanical industry that have benefited all contractors and pipefitters.

In addition to improving conditions in the mechanical industry, Smith & Oby has diligently served as a civic minded company that has supported many community based organizations since its founding.

Smith & Oby Company has developed an indisputable reputation of quality, integrity and fairness which is recognized by the industry and the business community. For a century, their valued officers, staff and workforce have developed a respect by their peers that has allowed the Smith & Oby Company to prosper into the successful firm it is today.

My fellow colleagues, join the Mechanical Contractors' Association of Cleveland and myself in congratulating and honoring the 100th anniversary of the Smith & Oby Company.

INTERNATIONAL AIR ROUTE SALES

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. OBERSTAR. Mr. Speaker, airlines realize windfall profits, sometimes amounting to hundreds of millions of dollars, from the sale of international routes which they were granted, free of charge, by the Department of Transportation. This practice not only produces windfall profits; it also imposes substantial costs on the airline purchasing the route; these costs, in turn, must then be recaptured by higher fares. Moreover, the sale of international routes sometimes prevents DOT from awarding the route to the carrier which is best qualified and best able to serve the public.

Today, I am introducing legislation to prohibit this practice.

Under governing law, international routes are originally awarded on the basis of a public interest determination by the Department of Transportation, following an evidentiary proceeding in which all applicants for the route have the opportunity to present their operating proposals. However, once a route is awarded, DOT permits the incumbent airline to sell the route for substantial sums, sometimes amounting to hundreds of millions of dollars. DOT has been willing to approve these sales as long as a sale would not be seriously inconsistent with U.S. international policy.

The Department's approach has been to make this decision in a vacuum, without a comparative consideration of the proposals of other airlines which might be interested in the route. The effect of this policy has been that routes are frequently transferred to the largest U.S. airlines, which have the deepest pockets and are able to make the highest bid to the airline selling its routes.

This approach is bad public policy for several reasons. First, it takes an asset, which was originally given to the holder free of charge in the public interest, and allows it to be sold for the highest price. The American public is the loser because the new route holder will have to raise fares to recoup the cost of the route. Secondly, the sale is inconsistent with the original rationale under which the route authority was granted: that the carrier selected can best serve the interests of the American public. Relying on the highest bid means that, potentially, a better qualified applicant will be denied the ability to provide this service to the American public. The DOT policy of approving the sale of major routes, apart from mergers, began in 1986 when Pan American was allowed to sell its Pacific Division of United.

The policy of permitting routes to be sold has led to other disturbing results. Recently Northwest Airlines, pledged international route authorities as collateral to enable Northwest to draw down a $2.08 billion line of credit syndicated by Chase Manhattan. The purpose of the draw down was to provide Northwest with sufficient funds to survive a strike until its employees agreed to Northwest's terms. I find it unacceptable for a company to use its international routes—granted in the public interest—to support its ability to prolong a strike that denies many Americans basic air service. In addition, there have been rumors that Northwest threatened that if it did not get its way in labor negotiations, it would sell off the assets of the company, including the international routes. Again, I find it unacceptable that international routes be used for this purpose. It is way past time that we stop such activities.

My bill would end these abuses by prohibiting the sale of international routes. I recognize that this could be unfair if a carrier wanted to transfer a route it had previously purchased. In these cases, my bill would allow the carrier to recapture the price it originally paid.

Mr. Speaker, we need to restore the original public policy premise for granting international routes: to provide the best service in the public interest. I hope my colleagues will join me in supporting this common-sense legislation which will promote the economic interests of the American traveling public.

TRIBUTE TO LIEUTENANT GENERAL RICHARD A. BURPEE, USAF-RETIRED

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. MORAN of Virginia. Mr. Speaker, I rise today to pay tribute to an extraordinary individual, Lieutenant General Richard A. Burpee, USAF (Retired) on the eve of his retirement from the Retired Officers Association, which has its headquarters in my district in northern Virginia. As I reviewed General Burpee's career, in preparing this tribute, I see that in one way or another, Dick has spent virtually his entire adult life either in or working for the uniformed services.

Born in Delton, Michigan, he entered the Air Force and earned his pilot's wings in 1955. For the next six years, General Burpee was an instructor pilot at Bryan and Reese Air Force Bases in Texas. The next few years he served in various staff assignments until January 1967, when he entered the F–4 Program at MacDill Air Force Base Florida, where he served as an aircraft commander. He transferred to the Republic of Vietnam in August 1967 and served at Cam Rahn Bay Air Base until September 1968 as a flight commander in the 391st Tactical Fighter Squadron. During his tour in Vietnam, he flew 336 combat missions in the F–4 aircraft.

Following his combat tour, Dick had a succession of challenging assignments, each entailing greater responsibility. Among these were three assignments in Headquarters USAF, in the Pentagon, in operational test and evaluation, director of operations and the assistant director of plans and operations. General Burpee also served in a number of command assignments including, commander of the 509th Bombardment Wing, Strategic Air Command, 1974–75; commander of the 19th Air Division, Strategic Air Command, 1977–79; commander of Oklahoma City Air Logistics Center, 1983–85 and commander of 15th Air Force, Strategic Air Command, from 1988 until his retirement in 1990. In between these assignments, he found time to earn his masters degree in public administration from the George Washington University and to attend the National War College.

General Burpee is a command pilot who amassed an incredible 11,000 flying hours in various aircraft during his remarkable career. His military awards and decorations include the Defense Distinguished Service Medal, Distinguished Service Medal With Cluster, Silver Star, Legion of Merit, Distinguished Flying Cross With Oak Leaf Cluster, Bronze Star Medal, Meritorious Service Medal, Air Medal With 14 Oak Leaf Clusters and the Air Force Commendation Medal.

General Burpee is married to the former Sally Dreve Fisher of Fort Worth, Texas. They have two children, Richard A. and Brent A.

General Burpee was elected to the board of directors of the Retired Officers Association (TROA) in 1992, and as chairman of the board in 1996. Through his stewardship, the Retired Officers Association played a vital role as a staunch advocate of legislative initiatives to maintain readiness and improve the quality of life for all members of the uniformed services—active, reserve, and retired, plus their families and survivors. I won't describe all of his accomplishments, but will briefly focus on a few to illustrate the breadth of his concern for service people. As chairman, he led the fight to honor the life time health care commitment to servicemembers, which ultimately resulted in legislative authority to reopen the doors of military treatment facilities to Medicare-eligible beneficiaries through an innovative program we have all come to know as Medicare subvention. More recently, he teamed with me and my distinguished colleagues, Messrs. J.C. WATTS (Okla.) and WILLIAM "MAC" THORNBERRY (Texas) to win approval of a demonstration to allow Medicare-eligible service beneficiaries to enroll in the Federal Employees Health Benefits Program. These programs, when expanded nationwide, will take critical steps toward honoring this Nation's commitment to those who served so valiantly. Also, under his direction, TROA worked tirelessly to provide survivor benefits to widows of retirees, who died before the survivor benefit program was enacted two decades ago, and to restore dependency and indemnity compensation to remarried widows of service-connected disabled veterans, whose second or subsequent marriages terminated due to death or divorce. Finally, he was ever mindful of the adverse effects on morale and retention caused by broken commitments and inadequate compensation and forcefully championed the causes of fairness and equity. His leadership efforts to defeat the imposition of user fees in military health care facilities, to preserve cost-of-living adjustments for retirees and to provide adequate pay raises for active and reserve members are especially worthy of note.

As a final thought, as I am sure you will all agree, the word leadership is often applied perfunctorily or to those who do not deserve it. In General Burpee's case, just the opposite is true. He has been, in every sense of the word, a leader in the military, TROA and the entire retired community. Our wishes go with him for

a long life and continued success in service to his Nation and especially to those in uniform who he has so admirably led.

TRIBUTE TO HUMANITARIANS

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 10, 1998

Mr. HALL of Ohio. Mr. Speaker, during the past month a series of deadly events has brutally thinned the ranks of those who are devoted to helping the world's poor and sick.

The bombing of our embassy in Nairobi was perhaps the most visible loss of Americans who worked to reach out to people in other countries. Twelve Americans perished there, alongside nearly 500 Kenyans.

Last week, four more Americans died while traveling on U.N. business aboard the plane that crashed near Halifax. Ingrid Acevedo, Pierce Gerety, Mary Lou Clements-Mann, and Jonathan Mann represented our country in key positions at the United Nations, and their deaths are keenly felt by their colleagues, as well as their families and friends.

I have said many times that many of the Americans I have met in the field of humanitarian work are remarkable. They are among the most selfless and dedicated of people, and their examples never fail to inspire me.

They also are dying in increasing numbers, as are the local people and other nations' representatives who serve as their colleagues. It is now more dangerous to feed and care for hurting people as a U.N. humanitarian worker than it is to serve in a war zone as one of its peacekeepers—for the first time in more than 50 years.

This increasing pace of deaths cannot be attributed to the toll that disease takes on humanitarian workers' health. Nor does it include those killed in plane crashes. It reflects only the growing number of attacks against aid workers employed by the United Nations and private charities alike.

I am encouraged to know that Secretary General Kofi Annan and the leaders of private charities are looking for ways to guard humanitarian workers' safety. The world can't afford to lose more of these dedicated individuals, but the courage their work demands, and the very nature of the dangers they regularly face, make protecting them enormously difficult.

What is within our power, though, is to remember their contributions, and to stay the humanitarian course for which they gave their lives, and I urge my colleagues in Congress to do that today and as we go about our own work in the days ahead.

It is only in the work of those we now mourn, and not the manner of their tragic deaths, that Ingrid Acevedo, Pierce Gerety, Mary Lou Clements-Mann, and Jonathan Mann represent an extraordinary corps of professionals.

Ingrid Acevedo, a young woman from New York, most recently has led efforts to spread the word about UNICEF's trick-or-treat effort on behalf of needy children. Acevedo began her career of service to the poor at Bread for the World, fighting hunger and poverty in the United States. She then moved to the U.S. Committee for UNICEF, where as its director of public relations, she brought needed attention to the life-saving work UNICEF does throughout the world.

Pierce Gerety was a Yale educated and Harvard-trained lawyer who, after receiving those institutions' highest honors, dedicated his life to helping refugees in some of the world's most desperate places. He most recently had been working for the U.N. High Commissioner of Refugees in Rwanda, and for the U.N.'s Operation Lifeline Sudan, which brings relief to 2.6 million people facing starvation there.

Mary Lou Clements-Mann and Jonathan Mann, were doctors whose fight against AIDS made them pioneers. Together, they led the push for a vaccine for the world's poor afflicted with AIDS. Clements-Mann was an epidemiologist at Johns Hopkins; Mann founded the World Health Organization's global AIDS program.

Today, along with those gathered in New York and elsewhere to mourn these remarkable Americans, we honor them and others in their fields who have gone before. Each died in the noble endeavor of serving those less fortunate among us. Each represented the best of our great country, and their deaths diminish us all.