SENATE—*Monday, September 14, 1998*

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Almighty God, one hundred and eighty-four years ago today at dawn, Francis Scott Key saw the Stars and Stripes over Fort McHenry and wrote the stirring words of our national anthem that have moved our hearts to patriotism ever since. "O say, does that star spangled banner yet wave, o'er the land of the free and the home of the brave?" Yes, thankfully it does. As our flag flies over the Capitol this morning, we commit ourselves anew to serve You by doing the strategic work of government and by leading our Nation through the present crisis in a way that satisfies You.

Dear Father, it is good to know that You are not surprised by the needs we bring to You. You know them before we bring them to You. Help us to see that prayer is how You call us to do what You think is best rather than just a call for You to assist us with what we already have decided. Help us to wait for You, to listen intently to You, and to gain strength to carry out Your best for us, personally and for our Nation. In the Name of our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will begin debate in relation to the motion to proceed to S. 1981, the Truth in Employment Act, with the time between now and 1 p.m. equally divided between Senators HUTCHINSON and KENNEDY or their designees. I see that Senator HUTCHINSON is on the floor and prepared to go forward and already has his charts on display here. I appreciate the work that he has done in this area.

At 1 p.m. the Senate will resume consideration of the Interior appropriations bill. It is the majority leader's hope that the Interior bill will be finished the first part of this week. Last week there were other issues that were debated, that were attached to the Interior appropriations bill, and cloture votes that were also voted on. But I think this week it is important that we stay focused on the Interior appropriations bill, this afternoon and Tuesday and Wednesday, if necessary, to try to get it completed. That is an important part of us doing the people's business.

Yes, there are a lot of distractions, but in the meantime the Senate must continue to go forward with the things that have to be done before we can go out at the end of this session so that our Members can go home and be with their constituents. So the Interior bill will be our principal focus this week. Senators who have amendments are encouraged to come to the floor. Don't keep shoving them off and saying, "I will offer them later," "I will offer them Tuesday," "I will offer them Wednesday." You will wind up being here at 10 o'clock Wednesday night having to offer and debate your amendments. I hope that Senators will come forward and offer amendments if they have them.

At 5 p.m., under a previous order, the Senate will resume debate in relation to the Truth in Employment Act until 5:30. At that time the Senate will proceed to a vote on cloture on a motion to proceed to the employment bill.

Also at that time there could be a vote or votes on or in relation to amendments on the Interior appropriations bill. We do not have that locked in yet, but we would like to get some work done, and there is a likelihood that there will be a second vote following the vote that is already scheduled at 5:30. Further votes could occur, as I said, during this evening. And Members should expect that we will have to go into the evening almost every night this week.

In addition, on Friday we did get a unanimous consent agreement with regard to how we would bring up and debate and vote on the bankruptcy reform bill. I thank Senators on both sides for working late into the night Thursday night and during the morning Friday, that allowed us to craft this unanimous consent agreement. We will bring that up the first opportunity we have—certainly only after consultation with the Democratic leader. But if we could finish the Interior bill at a reasonable time Wednesday, we could very well go to the bankruptcy bill either Wednesday night or Thursday, but it will depend on how things go between now and then.

Also, I understand that the Banking Committee did report out, by a wide margin, the Financial Services Act last week. I had indicated to the chairman, Chairman D'AMATO, that if they reported it out on a broad bipartisan vote, we would look for an opportunity to have a vote on that also. I don't know if that would come before next week or even the next week, but bankruptcy reform and the Financial Services Act would be two very large accomplishments, if we could get these done before we go out at the end of the session.

So, again, I hope Senators will be prepared to work hard, offer their amendments, let us have our votes, and let us make some progress so we can show the American people, despite the distractions, we are doing our work.

I yield the floor.

TRUTH IN EMPLOYMENT ACT

The PRESIDING OFFICER (Mr. SESSIONS). Under the previous order, the time until 1 p.m. shall be equally divided between the Senator from Arkansas, Mr. HUTCHINSON, and the Senator from Massachusetts, Mr. KENNEDY, or his designee, for debate relating to the Motion to Proceed to S. 1981.

The Senator from Arkansas.

Mr. HUTCHINSON. Mr. President, I rise to speak on the S. 1981 legislation. This legislation will enable thousands of businesses in Arkansas and across the Nation to avoid the insidious and unscrupulous practice known as salting which is literally crippling thousands of small businesses across this country.

The Truth in Employment Act inserts a provision in the National Labor Relations Act establishing that an employer is not required to hire a person seeking employment for the primary purpose of furthering the objectives of an organization other than that of the employer. This measure is not intended to undermine the legitimate rights or protections currently in law for workers in this country enabling them to organize. Employers will gain no ability to discriminate against union membership or activities. This bill only seeks to stop the destructive practice of salting. In fact, I will just read the last provision in the bill itself, which guarantees the protections for workers to organize, because the argument will be made, opponents of this legislation will say, that this is somehow trying to undermine the right of workers to organize.

So this provision says:

> Nothing in the bill shall affect the rights and responsibilities under this Act of any employee who is or was a bona fide employee applicant, including the right to self-organization, to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid protection.

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

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So this bill is clearly not designed to harm workers or to undermine their ability to organize. That provision passed the House of Representatives unanimously, incidentally. I believe it has broad support in the Senate as well. But there is a practice that is becoming all too common across this country, that is both immoral and insidious and is not a legitimate organizing tactic, and it needs to be outlawed. The bill does not change the definition of "employee." It does not overturn the decisions of the U.S. Supreme Court.

Mr. President, I rise today to speak on an issue that I think is of common sense and fairness. Would any person intentionally bring wanton destruction upon his or her own home? Would a homeowner spend hard-earned money for a colony of termites and let them loose in his or her house, leaving them free to gnaw away at the equity he or she had spent years building up in a home or property? Certainly no one would commit such an irrational attack of self-destruction. No one would willfully and deliberately bring thousands of dollars of damage on himself. Instead, the homeowner would take every precaution to preserve the structure of his home, keeping out ruinous influences. Yet, today, in a similar situation, small business owners nationwide are prevented from defending their own companies from pernicious attacks known as salting.

What is salting? Paid and unpaid union agents infiltrate nonunion businesses under the pretense—the pretense of seeking employment. And then, at that point, employers are caught in a dilemma, facing charges if they refuse union labor and facing charges if they hire these salts. So if they don't hire, unfair labor practices are filed, discrimination claims are filed against the employer. If they do hire them, they then face, in effect, termites in their own business, eating away at the solvency of their own enterprise. Once on the job, these salts set about sabotaging the company through workplace disruptions and a battery of frivolous charges to the Equal Employment Opportunity Commission, the National Labor Relations Board, or by creating OSHA violations and then reporting those violations to OSHA.

Employers who try to fire them face yet another litany of false charges. Defending against these charges costs money in legal fees, costs time in lost productivity and costs a company's reputation through negative publicity. Yet, to add insult to injury, employers are often forced to pay large damage awards or settlements because they cannot afford the high legal fees needed for justice to be served.

Employers have little or no defense against these relentless—relentless—assaults. Instead, they are forced to invite destruction into their companies and can only stand by, it seems, helplessly as years of hard work and investment are devoured before their eyes.

In my home State of Arkansas, George Smith, the president of Little Rock Electrical Contractors, has been the victim of salting campaigns. Let me just tell you his story.

It is a family-owned business and a merit shop contractor, hiring both union and nonunion labor. Mr. Smith never expected to face charges of unfair labor practices from people he didn't even hire.

At a company site in Louisiana, two men drove up to Little Rock and asked if the company was taking applications. They were told no, and they drove off. Five months later, Mr. Smith was notified that charges of discrimination had been filed against him by the NLRB. He subsequently hired a labor attorney who assured him that he could win, as the charges had no merit whatsoever, that justice would be served.

Unfortunately, the cost of the 2-day hearing would be $15,000 in order to have justice served. And since the unions would appeal if Mr. Smith won, additional costs of up to $8,000 could be almost guaranteed.

On the other hand, the cost of settlement with these two nonemployees who had filed the claim was $3,000 for each man. So, in the end, Mr. Smith chose the less expensive option. I quote what he said:

> The reason that we paid was real simple. It was pure mathematics. [If] it cost me $23,000 to win and $6,000 to lose: I can't afford to win.

To rub salt into the wounds, so to speak, copies of these settlement checks appeared on one of his worksites in North Carolina with the statement saying that this was the result of employer interference with employee rights.

Mr. Smith, a hard-working American trying to run an honest business, lost both money and company stature. But this assault was not unique. In 1 year, Little Rock Electrical has faced 72 such charges to the tune of $80,000 in legal fees.

Mr. President, that is wrong. That is not justice, it is an injustice. This problem is not unique to Arkansas companies. It is happening all across America, from Cape Elizabeth, ME, where Cindy and Don Mailman, owners of Bay Electric Company, suffered 14 erroneous, meritless charges, and $100,000 in legal fees over 4 years; to Modesto, CA, where Jim Blayblock of Blayblock Electric faced an intense barrage of salting; to Delano, MN, where Terrance Korthof of Wright Electric has lost $150,000 in legal fees and $200,000 to $300,000 in wasted time for 15 baseless charges; to Austin, TX, where Randy Pomikahl's company, Randall Electric, has been targeted.

My point is, from the East Coast to the West Coast, from the Canadian border to Texas in the South we see these salting campaigns. Salts are operating across the country not only in electrical companies, but in steel companies, mechanical companies, building companies, and I predict it is going to be expanded and proliferate. We are going to see it targeting small business in every industry unless we address it legislatively. Mr. President, it is very much a national problem.

I have on the floor of the Senate this morning a chart that illustrates how this is a national problem. Here are some examples of salting cases around the country. Carmel, IN, Gaylor Electric faced 96 charges. Ultimately, the courts dismissed all 96. All 96 of these charges were dismissed without merit, but it cost Gaylor Electric $250,000 annually to defend themselves against this salting campaign.

Union, MO, 48 charges were filed, 47 were dismissed, one was settled for $200. But in legal fees, $150,000 to defend their company against these frivolous charges.

In Clearfield, PA, the R.D. Goss Company had 15 to 20 charges. All but one of those charges were dismissed, but it cost that company $75,000 in legal fees plus lost time, and they ultimately were forced out of business, an example of many businesses that have been forced to close their doors because of their inability to pay for the legal help to defend themselves against these kinds of campaigns. This small businessman in Clearfield, PA, had operated for 38 years until finally having to close their doors because of the salting campaign against them.

These travesties of justice are not simply random acts by a small subversive group. Instead, they are calculated attacks on nonunion companies often, unfortunately, with NLRB complicity. In its most innocuous form, salting consists of gaining employment, not to work, but solely for the purpose of organizing labor. A person has a right, the courts have said and legitimately so, to apply for a job even though they want to go in and help organize for union activity. They don't have a right, I believe, legitimately, morally, or ethically, though it is still illegal, to go in, apply for a job, never intending to work, but simply for the purpose of filing these kinds of frivolous claims. That is in its most innocuous form. The common and prescribed practice is to strike economic pressure points in a company, leaving that company virtually paralyzed.

In their own words, from the IEBW organizing manual, this is what they say:

> [The goal of salting is to] threaten or actually apply the economic pressure necessary to cause the employer to . . . raise his prices to recoup additional costs, scale back his business activities, leave the union's jurisdiction, and go out of business.

That is not where the effort is to go in and organize. That is where the effort is to go in, hit the economic pressure points and destroy the company. The international vice president of the United Food and Commercial Workers Union, Tom McNutt, has been quoted as saying:

If we can't organize them, the best thing to do is to erode their business as much as possible.

The goal is not to organize. "If we can't organize, let's destroy the company."

I have another chart that I think will illustrate this very point, and that is that the procedures for salting are not left to chance, that unions very carefully instruct members how they ought to go about salting. This is a sample checklist for salts put out by the International Brotherhood of Electrical Workers, Local 1547 in Anchorage, AK. If you will notice, and we will read some of these points, this is their initial contact, when they make contact with a selected target; in other words, the business that is the target of the campaign:

If the target doesn't have reason to know that you are a union member you do not want to reflect that on your application. You can change the status of your prior employment to reflect past non-union employment * * *

Then they actually counsel their salts to lie on their employment application.

* * * reduce the rate of [your former] pay [your hourly wage] to $12.00 or $13.00 with no benefits [because] if you show a high rate of pay and benefits * * * the target will * * * become suspicious.

So all through the various points that they make, all through their recommendations, they are urging deception when these salts go in.

List jobs other than heavy industrial sites such as TVA jobs, government jobs, or jobs known to be union in union areas.

Deceive the potential employer.

In listing your electrical education we recommend that you do not list JATC or IBEW.

Just do not tell them of any kind of—on and on you find this effort to simply deceive in order to get in and perform the insidious and pernicious activity, not of organizing, but of destroying the economic viability of the company.

There are more union tactics that are described by local 1547: Fabricating employment history and so forth. These tactics are not overt methods of organizing, but rather they are covert methods of deceiving and sabotaging the targeted company. Unfortunately, the NLRB and other Government entities have unwittingly become an accomplice in these salting campaigns, because the charges are brought before them, and Government lawyers defend the salts.

So we talk about the price tag. It is not just the price tag of legal fees for these companies. It is not just the price tag of lost time and productivity. It is not just the price tag of losing a company's reputation. It is also the price tag that is imposed upon the American taxpayer, because we pay for the lawyers that are defending these salts when it goes before the NLRB. So by extension, the American taxpayers have been made a participant in these guerrilla warfare operations, since who but the American taxpayer pays the salaries of these Government lawyers.

Mr. President, I think that it is absurd. And in return for their money, the American taxpayers get a return on their investment; and that return is in higher consumer prices for products and services, the costs of which have been driven up by higher operating expenses due to none other than these kinds of salting campaigns and those abuses. Not the legitimate right to organize, but it is these abuses that we have an opportunity to bring a halt to.

Under current law, employers are fully exposed to the corrosive effects of salting. Mr. President, I emphasize again, I am not opposed to labor organizing. It is, in fact, one of the rights of workers under the law. But I am against the abuse of the system, the abuse of small business owners and the abuse of the American taxpayers.

The Truth in Employment Act preserves the rights of employees and employers. The provisions are very simple. The Truth in Employment Act amends the National Labor Relations Act so that an employer is not required to employ any person who is not a bona fide employee applicant, meaning that this person wants to be employed with the primary purpose of furthering another employment or agency status. In other words, when they are coming in to apply, they are not coming in primarily because they want a job and they want a paycheck and they want to perform productive labor. They are coming in primarily for the purpose of furthering the goals and objectives of another organization, whether they are paid or unpaid. I think that that is what we must guard against—no destructive salting.

The bill also specifically protects the rights of bona fide employees to self-organization, labor organization membership, and collective bargaining. It does not change the definition of the employee, and it does not overturn the decisions of the U.S. Supreme Court.

The Truth in Employment Act begins, a little bit, to put some balance back into management-labor relations. And it begins to level the playing field of labor relations, protecting the rights of employers and employees while promoting the honest and harmonious hiring of employees.

I think, Mr. President, the House took a very positive step for the benefit of all Americans by passing their version of this bill on March 26, 1998. This evening we will have a chance to do the same. And the language in the Truth in Employment Act that we will be voting on today is precisely the language passed by the U.S. House of Representatives.

The question arises, though—I am sure we are going to hear this during the course of debate today—if salts enter into jobs surreptitiously, how can this legislation work? How can salts be detected? Under the Truth in Employment Act, the act of seeking employment in the furtherance of another employment or agency status no longer is a "protected activity." Salting will not be a protected action. In the case against the employer, the general counsel of the NLRB will have to show that the employee is, in fact, bona fide, that the employee did not seek employment for the purpose of salting. In this demonstration, the general counsel will prove that the employee would have sought employment even in the absence of his desire to conduct a salting campaign.

The employers will have the opportunity to present contrary evidence. Employers will no longer be squeezed in the vices of the law. They will no longer be forced to hire salts or fear dismissing salts for their disruptive actions. Employers will be able to hire job applicants who are actually interested in working and contributing to the company for the salary they receive.

I know that some of my colleagues do not support this legislation and will try to frame this legislation as being antilabor. It is not. As I mentioned, the Truth in Employment Act specifically protects the rights of bona fide employees to self-organization, labor organization membership, and collective bargaining. It does not in any way undermine that right. But it will stop the proliferation of salting campaigns that have precipitated the need for the legislation. This, frankly, has become the new tactic of choice.

Others may suggest these unions would not undertake these tactics unless there were something seriously wrong with the system and that salting is like the last gasp of breath from the sea of desperation. But I think if you look at the economy, you find the real answer.

Apart from the recent ups and downs and antics of the stock market, our economy has been doing very well. Over 13 million new jobs have been created in the last 5 years. Unemployment is at a 24-year low—4.5 percent. The economy is growing. And while the economy is growing, union membership is declining; in fact, it is even plummeting.

The Bureau of Labor Statistics reported recently that unions lost 159,000 members in 1997 alone. So as a result of strong employment conditions and job satisfaction, labor unions are finding it

increasingly difficult to identify workplaces that need and want labor representation. So in that circumstance, in that economic environment, it is regrettable that some labor unions have resorted to disingenuous techniques to cope with their situation.

Mr. President, in this country we often speak of rights—the right to free speech, the right to free assembly, the right to bear arms, the right to petition the Government for a redress of grievances. But with each right that we enjoy in this great country, we also face some responsibilities. People who assemble for a cause have the responsibility not to be violent or to be destructive. Journalists have a responsibility to print what is true and newsworthy.

When a parent grants a child the freedom to use the phone or to use the car; he expects the child not to make lengthy long distance calls to far out-of-the-way places, or to drive the car at high speeds or under the influence of alcohol. It is this responsibility that we exercise with each freedom, with each right that allows us to have these very same freedoms. Mr. President, the right of laborers to organize must not be abused.

Salting is a costly—costly—abuse of legal technicalities. It rarely ever results in actual organization. Instead, it costs small business owners time, money and oftentimes its reputation that has been built and earned through a whole lifetime. It costs American taxpayers money in legal costs and higher consumer prices. It is dishonest. It is unjust, and it penalizes the innocent.

Mr. President, the Truth in Employment Act calls for just that—truth in employment. It calls for common sense and honesty in labor relations. It calls for job applicants to be honest about their intentions and to apply only if they actually want to work for the company. It stops only dishonesty. It stops only injustice. It stops only destructive and unethical practices. It calls for a simple change in the law so that small business owners do not have to shoot themselves in the foot. It calls for fairness. I ask my colleagues to support this legislation when we have the opportunity to vote on it later today.

Mr. President, 32 different trade associations have endorsed the Truth in Employment Act. I will not read them all, but some of the major trade associations supporting this legislation include the American Trucking Association, the Associated Builders and Contractors, International Mass Retail Association, the National Association of Convenience Stores, the National Association of Home Builders, the National Association of Manufacturers support this, as well as the NFIB, National Federation of Independent Business, the National Grocers Association, the National Mining Association, the National Restaurant Association, the National Retail Federation and the U.S. Chamber of Commerce—32 different associations have said, "We realize this is an insidious, unscrupulous practice that will proliferate unless we stop it legislatively now."

While it may now be electrical contractors, small builders and small businesses facing this, unless the insidious practice is stopped, we will see it used in a calculating way against targeted industries and targeted businesses across the economic spectrum.

This is a great opportunity for us, as we seek to invoke cloture on this, this evening. We need 60 votes. I ask all of my colleagues in the U.S. Senate to carefully consider the simple change that this will make in the law, but the profound change it would have in restoring fairness in the workplace.

Mr. President, how much time remains?

The PRESIDING OFFICER. Thirty-two minutes 50 seconds.

Mr. HUTCHINSON. I ask unanimous consent, as I request a quorum call, that the quorum call time be charged equally to both sides.

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

Mr. HUTCHINSON. 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. HUTCHINSON. 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. HUTCHINSON. Mr. President, while the clock is burning, I think it is an appropriate time for me to take a few moments here and relate and include in the RECORD some of the correspondence I have been privy to concerning what small businesses are facing under the salting campaigns aimed against them and targeting them. These are only samples, but I think they are good samples of businesses across the country. I hope the Senators from these various States we are looking at will think seriously about what their constituents are facing in these targeting campaigns.

This particular letter is from Kenny Electric Service and was addressed to the Honorable DAN SCHAEFER in the State of Colorado. Colorado, of course, like all States across the country, is facing these kinds of campaigns. And because of the building movement in Colorado, I think they have been a particular target. They have many electrical contractors, building contractors, and small business people of various sorts who are facing this and are involved in the building trades industry.

I will read the last paragraph in which the letter states:

Kenny Electric Service, Inc. has experienced financial losses of over $1 million as a result of union tactics and harassment. Attached are examples of harassment which caused these losses. Your help with the legislation will sincerely be appreciated.

Then they stipulate some of the expenses that they have incurred. He said:

We had a van with 7 union members arrive at our office to respond to an ad that we ran for an electrician. They were followed by the director of organizing, who was video taping the whole process.

The above resulted in an NLRB charge, even though some of them were indeed hired. The NLRB charge was ultimately removed [and dropped] by the union [itself].

The union members filed frivolous and sometimes false OSHA claims. For instance, one day the contractor's office trailer was locked up at 7 a.m. The trailer had the drinking water in it for the job. The contractor arrived at 7:15 a.m. and opened the trailer. The union member had already called OSHA and filed the complaint because water was not available for 15 minutes. It took me 3 hours to file the appropriate OSHA report to avoid a fine and a claim.

Then he goes on with another full page of similar examples of the frivolous claims that were filed against their company and the over $1 million in costs that were incurred.

I ask unanimous consent that this letter be printed in the RECORD.

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

KENNY ELECTRIC SERVICE
Englewood CO, October 8, 1997.

Hon. DAN SCHAEFER,
Englewood, CO.

DEAR CONGRESSMAN SCHAEFER: I apologize for not being able to meet with you next Monday to discuss the issue of Salting Abuse. Salting Abuse is the placing of union members of agents in a nonunion facility to harass or disrupt company operations, apply economic pressure, increase operating and legal costs, scale back business activities, or even put the company out of business. Salting is being used in bad faith as a harassment technique, largely by filing numerous frivolous NLRB complaints against open shop contractors. This causes the contractor delays and expenses in legal fees to contest these charges, and may jeopardize their work on a project through delays and excessive problems that the owner may not be able to endure.

I understand there is legislation in both houses of Congress to address this situation. H.R. 3211, the Truth in Employment Act, was introduced by Harris Fawell. Senator Slade Gorton has also introduced S. 1025 which is similar to H.R. 3211.

There has been compelling testimony regarding these salting abuses in three hearings held in the 104th Congress by the Economic and Educational Opportunities Committee. Several witnesses illustrated that these union agents hide behind the shield of the National Labor Relations Act, trying to destroy their employers or deliberately increase costs through various actions including sabotage and filing frivolous complaints with various federal agencies. For most of these companies, many of which were smaller businesses, the economic harm inflicted by the union's salting campaigns was devastating.

Kenny Electric Service, Inc. has experienced financial losses over $1,000,000.00 as a result of union tactics and harassment's. Attached are examples of harassment which caused these losses. Your help with legislation will sincerely be appreciated.

Sincerely,

RICK L. ELLIS,
President.

EXAMPLES

We had a van with 7 union members arrive at our office to respond to an ad we ran for an electrician. They were followed by the director of organizing who was video taping the whole process.

The above resulted in an N.L.R.B. charge even though some of them were indeed hired. The N.L.R.B. charge was ultimately removed by the union.

The union members hired salted our projects and tried to promote the union.

The union members filed frivolous and sometimes false O.S.H.A. claims. For instance, one day the contractors office trailer was locked up at 7:00 a.m. This trailer had the drinking water in it for the job. The contractor arrived at 7:15 a.m. and opened the trailer. The union member had already called O.S.H.A. and filed a complaint because water was not available for 15 minutes. It took me 3 hours to file the appropriate O.S.H.A. report to avoid a fine and claim.

One union member filed a claim because he wasn't placed on a project with a large number of electricians. He was placed on the project closest to his house.

Two union members left work and are on economic strike.

We have had to date approximately 19 N.L.R.B. charges filed against us. A settlement was negotiated with the N.L.R.B. for dismissal of all charges.

The above items have taken over 500 hours of management to handle and deal with.

The above have effected our ability to advertise for and hire personnel that would have the company's interest and future in mind.

The union does not want to organize our company, they want to destroy our company.

We have continually trained and retrained our field personnel on the legal do's and don'ts of the salting issues. This takes away from their abilities to control and manage their projects in a manner that is in the best interest of the company.

We can no longer advertise using our company name without the threat of being harassed and salted again and again. This would only result in more N.L.R.B. charges.

The fact that we cannot actively hire new employees has effected our ability to man our projects and has ultimately stopped our ability to obtain new work.

Mr. HUTCHINSON. I have a letter from Manno Electric, Inc., from the president of that company to his Congressman, regarding forced unionism, or salting. I will read only one paragraph:

My company, Manno Electric, Inc., became a target for salting in July 1992. We are a small firm, founded in 1972, and based in Baton Rouge, Louisiana. Our business has been family-owned and operated for the past 24 years and now has annual sales of approximately $1 million and an average work force of 25 employees.

In July 1992, I hired five union members during a peak work time and laid them off when their jobs were completed in mid-August 1992. Immediately, the union filed a ULP charge claiming they were laid off because of their union affiliation.

I will not read it all, but it concludes:

To date, I have paid my attorney over $75,000 for my defense and have been ruled guilty on all charges by an administrative law judge who proudly professed he formerly represented the auto union and touted the high percentage of success in union litigation.

Once again, he is continuing to appeal. But these are the kinds of situations that these small companies are facing. That is from the State of Louisiana, Baton Rouge.

I ask unanimous consent that this letter from Manno Electric, Inc., be printed in the RECORD.

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

MANNO ELECTRIC, INC.,
Baton Rouge, LA.

Re Forced Unionism—"Salting."

The best kept secret by the labor unions today is their insidious organizing strategy known as "salting." Salting is the practice of sending paid professional organizers and union members into non-union work places (merit shops) under the guise of seeking employment.

These "salts" are trained in a program called COMET, the official organizing program of the AFL–CIO. They learn to infiltrate a private business, and use tactics of harassment, project disruption, and filing frivolous unfair labor practice (ULP) charges with the National Labor Relations Board (NLRB) against their employer.

If a union organizer is turned down for employment, or dismissed by a merit shop contractor, *for any reason*, he immediately files an unfair labor practice charge with the NLRB. The strategy behind salting is to file enough ULP charges against the contractor until the company is financially devastated or joins the union. The contractor has to legally defend himself against each charge, no matter how trivial. Each NLRB complaint costs the employer an estimated $5,000 to $10,000 to defend. Litigation for the union member is paid by the taxpayer through the NLRB.

My company, Manno Electric, Inc., became a target for salting in July 1992. We are a small firm, founded in 1972, and based in Baton Rouge, Louisiana. Our business has been family owned and operated for the past 24 years and now has annual sales of approximately one million dollars and an average workforce of 25 employees.

In July 1992, I hired five union members during a peak work time and laid them off when their jobs were completed in mid-August 1992. Immediately, the union filed an ULP charge claiming they were laid off because of their union affiliation.

Twelve other union members came in and applied for employment during this time but were not hired because we had no work for them. They filed unfair labor practice charges for failure-to-hire, claiming discrimination because they were affiliated with the union. The union contends that once a member has applied for employment, you are forever bound to keep his application at the forefront or risk another ULP charge. The NLRB accepts this union theory and this is one of the biggest weapons used to abuse the contractor. At my trial in September 1993, I produced in evidence over 100 applications we had on file at that time.

In all, over 20 union activists filed frivolous charges against my company. To date, I have paid my attorney over $75,000 for my defense and have been ruled guilty on all charges by an Administrative Law Judge who proudly professed he formally represented the auto union and touted the high percentage of success in union litigation.

My trial was a mockery to justice. The judge slept repeatedly during my trial and it was painfully clear that he did not hear all of the proceedings or read the 1700 pages of transcript in making his decision. He completely ignored our witnesses' testimony and our exhibits.

The Clinton administration, through its powerful political appointments in the Labor Department, has given a "green light" to the labor unions, the NLRB and now the Supreme Court to exercise their power to strike a deadly blow to American enterprises and the free market system. Unions have trained their agents to use and abuse the procedures of the National Labor Relations Act (NLRA) as an offensive weapon against employers. The NLRB accepts these frivolous charges and rules with a strong bias toward labor.

The AFL–CIO has declared organizing as their top priority in an effort to revive and rebuild union membership at all costs.

The Supreme Court in its recent Town & Country unanimous decision (9–0) has also helped to encourage labor. It focused on a very narrow aspect of the law, ruling that a paid organizer is a "bona fide" employee. It failed to address the issue that open shops are being assaulted by union agents, intent on not recruiting new members, but on putting contractors out of business.

Today, due in part to the one and one-half years my appeal was stayed by the NLRB awaiting the Town & Country decision by the Supreme Court, my fines could exceed $500,000. In addition, the back pay and interest mounts daily and will continue to do so until I rehire the six union members that were terminated and also the seven others who merely applied but were not hired four years ago.

My business appears to be in financial ruin. This travesty of justice must be exposed so that business owners across this country can be alerted! An agent of the NLRB has even warned me that if I tried to close my business due to the inability to meet the liability, they had the right to force me to reopen.

The appellate court and, perhaps, the Supreme Court is the only recourse we have remaining. I can only pray that we do not fall victim to this new domestic terrorism.

Sincerely,

JACK L. MANNO,
President, Manno Electric, Inc.

Mr. HUTCHINSON. Then I have a letter written by Betty Tyson at T&B Metal Works, Inc. I believe it does sheet metal duct work in Jacksonville, FL. This was addressed to the Honorable TILLIE FOWLER, a Congresswoman from Jacksonville, FL, regarding the Truth in Employment Act in 1996 in the House of Representatives, H.R. 3211.

Once again, I will not read all of this correspondence. But part of what Betty Tyson writes is the following:

T&B Metal Works, Inc. has been in business for 10 years and is a sheet metal company which fabricates and installs duct work in commercial buildings. Presently, it is unlawful for a business to refuse to hire a job applicant because he is a union organizer or union member. Therefore, we have hired several "organizers" from Sheet Metal Local 435

over the past 10 months (since the organizing campaign began). The problem is, these people are not trying to organize our employees—they simply do everything they can think of to disrupt our business by filing false charges, and are hiding behind the labor laws which were created to protect employees.

Then there are a number of specific details that are provided regarding the situation that T&B Metal Works face in Jacksonville, FL. I have a binder with similar letters and examples from all of the States of the Union. This is something that is becoming very broad-based and is becoming a widespread problem for small businesses struggling to survive and provide jobs for working people of this country.

I ask unanimous consent that this letter from T&B Metal Works in Jacksonville, FL, be printed in the RECORD.

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

T&B METAL WORKS, INC.,
Jacksonville, FL, December 11, 1996.

Re H.R. 3211 "Truth in Employment Act of 1996."

Hon. TILLIE FOWLER,
House of Representatives, Jacksonville, FL.

DEAR REPRESENTATIVE FOWLER: Reference is made to my telephone conversation with your assistant, Susan Siegmund, on December 2, 1996, regarding the above-named bill, as well as the conduct of the National Labor Relations Board. I requested that you represent us because we seem to be in limbo between our new representative (Brown) and our old one (Stearns).

You may have copies of letters that were sent to you previously dated May 1, 1996, and October 15, 1996. To date, we have not had any luck with anyone taking a serious interest in the problems we are encountering.

I also spoke to your assistant in Washington D.C., Brad Thoburn. He requested that we put together an outline of the problems we have experienced as a result of salting and the lack of impartial decisions by the National Labor Relations Board. I have enclosed a copy of that information for your review. Mr. Thoburn also indicated that you are on the Committee for H.R. 3211.

With all that said, I will try to give you a brief idea of what our business has been going through as a result of "salting".

T&B Metal Works, Inc. has been in business for 10 years and is a sheet metal company which fabricates and installs duct work in commercial buildings. Presently, it is unlawful for a business to refuse to hire a job applicant because he is a union organizer or union member. Therefore, we have hired several "organizers" from Sheet Metal Local 435, over the past ten months (since the organizing campaign began). The problem is, these people are not trying to organize our employees—they simply do everything they can think of to disrupt our business by filing false charges, and are hiding behind the Labor Laws which were created to protect employees! (You will find details in the attached outline.)

We have had four sets of charges filed against us this year. Representative Fowler, I can assure you that if we didn't know the Labor Laws before, we certainly became familiar with them between December, 1990, and February 1993. During that period, we had ten sets of charges filed against us by the union, and we spent $28,000 on labor attorneys defending ourselves. We understand the labor laws and abide by them, but it doesn't seem to matter. Somehow, the union is able to persuade their "organizers" to lie repeatedly about us.

There is a statement at the bottom of the "Charge Against Employer" form which says "Willful false statements on this charge can be punished by fine and imprisonment". This is a joke! They might as well not have it on the form at all. The local NLRB representative has told me he knows these people are lying, yet the charges are not dismissed! In his defense, I know he refers his findings to the Regional Office in Tampa, and they make the final decision.

I have attached a copy of a letter we sent to Rochelle Kentov, Regional Director/NLRB, regarding her recent decision to postpone making a determination on charges that were clearly false. I have no idea why she would want to review the subsequent charges before making a decision on this issue. The charges are unrelated, as you can see in the attached.

In summary, we would like to request your support of the Truth in Employment Act of 1996 in an effort to aid small businesses, such as ours, throughout the country. Working hard and having your own business is supposed to be the American Dream, but is quickly turning into the American Nightmare for us and countless others who are being pursued by unscrupulous unions!

In addition, we feel it is imperative that the National Labor Relations Board be an impartial entity. It is a crime for them to allow this continued abuse of the Labor Laws. I hope you will have some suggestions or ideas of how this can be accomplished.

Thank you for this opportunity to express our concerns. We look forward to hearing from you.

Sincerely,

BETTY TYSON.

Mr. HUTCHINSON. Then I have before me an editorial that appeared in the Anchorage Times on December 17, 1996. You will notice that most of the correspondence and editorials that have been written have occurred within the last 2, 3 years, because it is during this time period that this problem has become so exacerbated, become so widely used by union organizers who are having little success in organizing otherwise, and they are going to these very destructive tactics.

This was written December 17, 1996, in the Anchorage Times, and I think the title of the editorial is significant: "Do Bad Real Good." In this case, it was actually a city that was facing a union salting campaign, and the threats that were made by the IBEW representatives were so egregious that it received widespread attention. I will read part of that editorial:

In a meeting with Mayor Margie Johnson in November, according to City Manager Scott Janke, the IBEW representatives threatened the community with great financial harm.

The IBEW representative said:

By the time we get finished with this town, it will make the open meeting lawsuit your town was in look like chicken feed.

That cost the town over a million dollars in legal fees. So the union organizer representative said it was going to be "chicken feed" compared to what they were going to do.

He said:

Your town can't afford it, but we can. We will take out advertisements in the paper. We will ruin you.

* * * What we will do is rip this town apart.

Then he said:

We do bad real good.

It is that abuse, which is so often explicitly and blatantly stated, which this legislation would address.

I ask unanimous consent that this Anchorage Times editorial be printed in the RECORD.

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

[From the Anchorage Times, Dec. 17, 1996]

DO BAD REAL GOOD

Organized labor began the year with optimism about the national and state elections. Unions invested heavily in favorite candidates. But they didn't fair well—either in races for Congress or the Alaska Legislature.

Polls indicated the results had to do with labor's reputation in the eyes of many voters—a rap for heavy-handed dealings. It proved too much of a burden for many labor-backed candidates.

Whether deserved or not, labor's negative reputation was reinforced the other day when residents of Cordova read a memo from the city manager about an encounter between the mayor and two female officials of the International Brotherhood of Electrical Workers.

The IBEW and the city have been in a stalemate over contract negotiations that began after city employees voted two years ago in favor of being represented by the union. The union says it intends to file an unfair labor practice charge against the city because it hasn't engaged in good faith bargaining. The city says it has.

In a meeting with Mayor Margie Johnson in November, according to City Manager Scott Janke, the IBEW representatives threatened the community with great financial harm.

According to Janke's memo, this—including a reference to a non-related open meeting lawsuit that had cost Cordova $1.3 million—is what one of the union people said:

"By the time we get finished with this town it will make the open meeting lawsuit your town was in look like chicken feed. Your town can't afford it, but we can. We will take out advertisements in the paper. We will ruin you.

"If you hire a lobbyist, I am going to be right behind him or her in Juneau and (urinate) on everything that Cordova wants. You won't get one capital project.

"What we will do is rip this town apart. We do bad real good."

The following day at a meeting between city officials and the IBEW representatives, a lawyer for the city confirmed with the two union officials that the quotes, as recorded by the mayor, were accurate. A half dozen city officials heard the confirmation, Janke says.

After the city's memo began circulating around the state about a month later, the IBEW issued a denial of the quotes, demanded an apology from the city and a retraction for what it called misrepresentation and false statements.

The city gave this official response to the IBEW last week: "Shame on you." The union

should be ashamed, the city said, for the threat, for the belated denial, and for the demand for an apology.

Mayor Johnson, who receives no salary, says she is disappointed. She had hoped for a partnership between the city and the union. "They know we don't have a lot of resources in Cordova. A leaking roof at city hall, the school's falling apart, and there are only 750 property tax payers to support it all. We're struggling to stay abreast. Threats don't help anything," she said.

Especially on election day.

Mr. HUTCHINSON. Mr. President, while I continue to have the floor, I just want to point to this chart, which is an editorial that I think very well frames the issue that confronts the Senate today in this cloture motion.

It is entitled "Harassing Job Providers." It appeared recently in the Detroit News. I think, once again, it frames this issue quite well. I will read part of it.

One form of the tactic is called "salting" in which union agents take a job at a nonunion firm and attempt to organize workers. They also file endless and often frivolous claims of labor law violations against the companies. Another tactic is simply to file the claims on behalf of other workers, whether or not the workers are actually aggrieved.

These tactics, as well as "salting," are known as corporate campaigns and are designed to give unions more leverage when they are at a low ebb. Only 10 percent of private sector workers are in unions. One prounion handbook quoted by Investors Business Daily observes that "Every law or regulation is a potential net in which management can be snared and entangled."

I think they rightly conclude that:

Regulations ought to be about protecting people, not "ensnaring and entangling" anyone. Part of the problem is addressed by legislation introduced by Republicans Harris Fawell of Illinois in the House and * * *."

And it goes on and speaks about that legislation.

But here is the point I would make; I think the editorial made it well: Regulations, labor laws, and labor regulations implemented by the NLRB exist not to ensnare and entangle small business men and women who are trying to survive, trying to provide jobs and trying to make a living. They exist to protect both employer and employee and have always been intended to provide and to maintain balance. The fact is that when the National Labor Relations Act was passed no one could have envisioned that these kinds of tactics would become so commonplace.

So when the opponents of this legislation stand, as they surely will, and say, "This is just an effort to undermine and to hurt organizing efforts, this is antiworker and antilabor," I once again remind those Senators that the only thing this legislation targets are the abuses of existing law. The only thing this legislation targets are the insidious and absolutely indefensible tactics of going in with the explicit purpose of destroying a business, destroying a businesswoman, of ruining their financial viability with a truly scorched earth policy, a term that has been used frequently of recent. This is truly scorched earth. If you can't organize and destroy them, that is what "salting" is all about. That is why it is incumbent upon us to restore balance and to restrain these kinds of unethical tactics that are being more and more widely used.

Mr. President, I observe the absence of a quorum, and I ask unanimous consent that the time under the quorum call be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. KENNEDY. I understand we have a time allocation and those who are opposed to the Hutchinson proposal now have, as I understand it, about 50 minutes. Am I correct?

The PRESIDING OFFICER. There are 48 minutes.

Mr. KENNEDY. OK. I will yield myself 25 minutes.

The PRESIDING OFFICER (Mr. HAGEL). The Senator is recognized.

Mr. KENNEDY. Mr. President, we are reaching the last few weeks of this session of the Congress, and I think it is appropriate to give some consideration to the positions of the Republican leadership on the many issues that affect working families, because we will consider one of these issues later in the afternoon and another tomorrow when the Senate is going to be debating and also voting on the increase in the minimum wage.

I think it is appropriate that we look over what has been the Republican leadership position on issue after issue that affects working families in this country over the period of these last few years. There you will find a wholesale assault on the interests and the rights and the economic conditions and wages of working Americans.

I can remember 3 and one-half years ago, just after the Republicans gained leadership positions in the Senate, one of the first proposals offered was the repeal of the Davis-Bacon Act. I can remember being in this Chamber and asking my colleagues what is it about the Davis-Bacon Act that they object to. Well, they talked about the inflation it adds to construction projects. The average income for a construction worker in the United States of America is just over $30,500. What is it that is so outrageous for a worker involved in construction—construction, the second most dangerous industry—to make $30,500? Why is that such a dramatic concern to the leadership of the Republican Party? We find it time in and time out—let us eliminate Davis-Bacon to make sure that we do not give government contractors the opportunity to inflate wages of workers in this country.

Nonetheless, we took a number of days on that particular issue. I was wondering why it was, with all the problems we were facing at that particular time, our Republican friends wanted to take away some very important income for working families.

And then we had introduced an increase in the minimum wage—at that time it was $4.35 an hour—for the working poor—men and women who work 40 hours a week, 52 weeks of the year, who want to be able to bring up their children with some kind of respect, but who are living in poverty. Most Americans believe that those who want to work and can work, who believe in work, who are prepared to show up for work and play by the rules, ought to be able to have a livable wage.

We will have an opportunity to address that issue again tomorrow. We have the most extraordinary prosperity in the history of the nation, with the lowest unemployment and the lowest inflation. But still the Republicans say no to that, no to the wages of working families who are involved in construction, no 2 years ago to any increase in the minimum wage, and then finally, finally, finally, finally, they acceded to a modest increase in the minimum wage. And now we have the issue before us again. We know that the purchasing power of working families has been at its lowest, has deteriorated the greatest, and the highest income Americans have seen their incomes increase.

In the immediate postwar period, all Americans went up together. The rising tide raised all the boats—low income and upper income Americans increased at about the same rate. But now, according to the Republican leadership, they want to see a decline in the wages of working families by repealing Davis-Bacon. They don't want to see any increase for working families in a minimum wage.

And then I remember, as we went on into last session, the assault on the earned-income tax credit. Increasing the minimum wage helps working people, whatever the size of their family. But the earned income tax credit helps low wage workers if they have one or more children. The more children you have, the greater the benefit to you from the earned-income tax credit.

But we had the Republican leadership not only condemning the income of construction workers under the Davis-Bacon Act, but saying no to any increase in the minimum wage. And for those Americans with large families who earn less than $31,000, we saw the wholesale Republican assault on those families by cutting the earned-income tax credit. I believe their particular proposal was $9 billion.

Now, we went on for 6 or 8 months, and I asked, what is this all about? Why are we having this wholesale assault on working families at the same time we saw the assault on Medicare and Social Security, to take over $256 billion and give tax breaks to the wealthiest individuals.

Well, Mr. President, this assault that we had from the Republican leadership in the last session of Congress has continued, and it continues today. We have seen serious efforts to undermine the occupational health and safety legislation. Who does that protect? Legislation that had bipartisan support in 1972 that has seen the total number of deaths in the United States from on-the-job work cut in half. But we see our Republican friends saying we want to cut back on OSHA protections.

We say, all right, maybe it ought to be streamlined; maybe it ought to be more effective. What can we do to provide additional protection for workers? The GOP says, oh, no, we want more protection for the companies, and less protection for the workers. The Republicans want to permit companies to hire their own inspectors, and if their own inspectors say they pass muster, they want them to be immune from any kind of enforcement by OSHA. The Republican agenda includes undermining their income, undermining the safety of working families—this is their agenda.

We say maybe it really is not so. Let's give the Republicans an opportunity to prove that they really do care about working families. Let's try to see what we can do with family and medical leave. We are the only industrial nation that does not provide paid family and medical leave that pays the workers. We provided it for companies with over 50 employees, and it has been a resounding success. It has been a resounding success, and enormously important, as we have seen from the studies that show the importance of parents being with infants during their early days.

We heard the debate. It went on for weeks with the opposition of Republicans on the Family and Medical Leave Act. Now it is in effect. It is broadly accepted, welcomed, and the people who benefited from it have been working families.

Efforts were brought up not long ago, a little over a year ago: Let's try to extend it from companies that have 50 or more workers to those with over 25 and pick up another 13 million working families. We cover about half of the workforce now with the 50 or more, but let's bring it down so we pick up another 13 million Americans. If it works for one, let's try it for the other.

You would think the world would collapse when we listened to the Republican leadership saying "no way are we going to consider extension of the Family and Medical Leave. No way are we going to extend that concept."

We hear a great deal on the floor of the U.S. Senate about families and family values. One of the best ways of advancing family values is to let working people have family income. Let them spend some time with their families when they are working. Let them be safe so they can go home to their families, and not lose their lives in construction or be maimed in construction. That is a family value.

Now we had the wonderful amendment of Senator MURRAY of the State of Washington. She said, "Let's just give parents 24 hours—24 hours so that parent might be able to go to a parent meeting, maybe be able to go to an academic program in which a child is involved. Let us give 24 hours a year of unpaid leave so parents can see their child receive an award at school."

"No, no, no," said our Republican friends, "we can't possibly do that. We can't possibly do that. That will interrupt the workplace. That will disrupt the workforce. We will give you something else."

They came back with a wonderful proposal—what they call "comp time." "No," to Senator MURRAY, the Senator from Washington, who was trying to do something for families. They come back with what they call comp time. They use all the appealing rhetoric. They claim they will give people the time they need to take off to attend to family needs. But, you know, Mr. President, we went through that debate. One thing that those proponents would never be able to answer is that little part of the legislation that I read time in and time out that said it will be up to the employer when they will be able to get the comp time. In the meantime, we are going to abolish the 40-hour week and we are not going to pay overtime. A wonderful deal for workers. A wonderful deal for workers.

Who do you think supported that? It is always interesting to me when we have these wonderful statements of people who propose things, to then look at who benefits and who loses. Who do you think supported the Republican proposal on comp time? The Chamber of Commerce, all the business interests. Who opposed it? Working families, women's organizations and children's groups, because they saw it was phony and they saw it was fraudulent.

So on it goes. Here we have the assault on the economic interests of working families, the assault on OSHA, the assault on our efforts to extend Family and Medical Leave, and many more.

Another example is campaign finance reform. We talked about it. It has been effectively defeated in the U.S. Senate because of Republican leadership. Eight courageous Republicans, eight of them, were willing to stand up and try to advance campaign finance reform.

The first amendment that our Republican friends offered, before they sunk campaign finance reform, was what they call the paycheck protection provision. That sounds like a good one. On whom do you think it was focused? On whom do you think that paycheck protection was focused? Can you guess? Working families. Working families, to deny them the opportunity to participate effectively in our political process. That is just a continuation of the assault on working families. It is meant to deny them the most fundamental and basic opportunity—to participate in the election process.

The No. 1 amendment was to deny people their rights. Our agenda was different. Our agenda seeks to expand safety and health protection in the workplace. We want to expand family and medical leave, invest in education, strengthen Medicare for our elderly, try to do something for Social Security—that is our agenda. I know it.

I yield to no one in sponsoring those proposals because they make an important difference to children, to workers and to our parents. I also support other proposals to make sure our streets are safe and our air water is clean. But we spent weeks on their so-called Paycheck Protection Act, not to change the system to try to deal with the abuses—but to deny working families the right to participate in the political process.

It was not much later that the GOP brought up the TEAM Act. That bill goes under the guise of giving workers a chance to work together in order to get a safer workplace and better productivity. All of those goals can be advanced now, under current law. I do not think any of those who supported the TEAM Act can compare the kind of increased productivity we have seen with General Electric, for example, in modernizing their jet engines, that has been done with workers and engineers working together.

I can take you up to the plant in Lynn, Massachusetts. Every time I tour that plant, I see the incredible increase in productivity, because workers are working there alongside engineers to increase productivity and increase safety. But the TEAM Act does something else. What was that? That bill would have permitted any CEO to choose employees' representatives, so that the CEO could bargain with the named employees about any of the issues about which other workers might be concerned.

How do we like that? Generally speaking, we would think that the workers themselves ought to be able to make a decision among themselves who ought to represent the group. That is a basic, fundamentally democratic concept. But no, no, not according to the Republican leadership.

Under the TEAM Act, the employee names the representatives, and if the employer doesn't like the person, he can fire the person. The employer sets

the agenda and the schedule. The employer sets what will be on the schedule. The employer can change the schedule any time he or she wants to do it. Mr. President, that is under the guise of trying to change and be more productive. It basically would have undermined the opportunity for worker expression that has worked effectively over some 60 years of collective bargaining.

So, Mr. President, now we are in the final days of this session, and suddenly we come up here with other legislation which is focused on undermining the opportunity for workers to organize. Surprise, surprise, surprise. Absolutely no surprise. Absolutely no surprise.

There has been a continuous effort over the last several years to undermine working families' interests in this country. It is as plain and simple as that. The Republicans have tried all different ways of doing it. They tried to undermine them economically. They tried to undermine their health and their safety in their OSHA recommendations. They tried to undermine their ability to participate in elections with their paycheck protection, and here they are trying to undermine their basic and fundamental opportunity to organize.

They have come in the last few days to try to overturn a unanimous Supreme Court decision—unanimous. It wasn't a decision that was 5-4, it was unanimous. Why? Because Republican appointees to the Supreme Court—conservative Republican appointees to the Supreme Court—understand very clearly what this kind of antisalting legislation will mean, and that is, basically, it will undermine one of the most basic and fundamental tenets of American and industrial democracy, and that is the ability to have collective bargaining and to have opportunities for workers to make a judgment either to choose a union or to reject it. That is where we are. We will have that particular vote this evening, and then we will go to the minimum wage issue tomorrow. We will have an opportunity to do that, Mr. President.

I won't even bother taking the time, because I want to address more specifically the legislation that is before us, but I just mention that under the Republican House leadership, they effectively eliminated every summer job for kids in this country—zeroed out the summer jobs program. Zero funding. It isn't just the workers, it is the teenagers in urban and rural areas.

I hope we will not hear tomorrow during the debate on the minimum wage, "Well, this is an entry-level job; we want to give teenagers an opportunity to work, and if we have an increase in the minimum wage, we are going to deny all those teenagers an opportunity to work." It won't stand up. We will give them the reports, show them the charts and the various economic analyses that show their argument is just baloney.

How are they going to explain that they zeroed out every single cent for summer jobs for teenagers in the House of Representatives? Zero. They say they care about workers? They claim they care about teenagers? The summer jobs program gives them an opportunity to have meaningful work, and they zeroed it out.

Mr. President, this was just a very brief comment about where we find ourselves, about who is really interested in working families, and what the Republican leadership has been about over the past three and a half years.

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

The PRESIDING OFFICER. The Senator has 25 minutes 22 seconds remaining.

Mr. KENNEDY. I yield myself 15 more minutes.

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

Mr. KENNEDY. Mr. President, I oppose the so-called Truth in Employment Act, and I urge my colleagues to oppose it, too. This bill is the latest in a long series of Republican antilabor, antiunion, antiworker initiatives. They have soothing titles and harsh provisions. The GOP's Family Friendly Workplace Act would abolish the 40-hour week. The GOP's Paycheck Protection Act would lock American workers out of election campaigns. The GOP TEAM Act would bring back company-dominated sham unions. Like those schemes, the GOP Truth in Employment Act has an appealing title and appalling substance.

The bill's sponsors claim that it is designed to outlaw salting, a decades-old practice of people seeking a job at a nonunion shop with the intention of persuading coworkers to join the union.

Salting was unanimously upheld by the Supreme Court in the 1995 Town & Country decision. But this bill does much more than simply reverse that decision. It undermines the rights of workers to organize to improve their jobs and also infringes on a wide array of other legitimate activities that are important to all Americans. These activities include efforts to improve the status of women and minorities in employment, strengthen safety in the workplace, and many, many more.

The bill aims at labor unions, but it also hits many other important rights. This bill allows employers to deny jobs to people if they have "the primary purpose of furthering another employment or agency status." Those are the words from the legislation.

The bill invites employers to pry into their employees' activities outside the workplace to discover the workers' "primary purpose." It encourages firms to ask job applicants whether they are union members or civil rights activists and refuse to hire them if they answer yes. This blunderbuss provision institutionalizes the blacklist.

The bill is blatantly antiunion, and its supporters include the National Right to Work Committee and many antiunion employer associations. But the bill goes well beyond discrimination against union members. It permits many other kinds of flagrant discrimination.

By permitting employers to deny jobs to workers who have "the primary purpose of furthering another employment or agency status," the bill also allows firms to fire or refuse to hire a person who seeks to advance the goals of another employer.

A company can fire a worker who is also employed by a labor union.

The bill also lets an employer refuse to hire someone based on the fear that she might band together with coworkers to push for an on-the-job child care center. The employer can argue the applicant was trying to advance the goal of women's groups to which she belonged.

The bill also allows a firm to fire African-American employees who seek to reduce race discrimination in the workplace.

The bill lets an employer fire workers who seek to change company policy and allow time off for religious holidays, for family and medical leave, or other worthwhile purposes.

This legislation legitimizes discrimination of the most offensive type. It encourages companies not to hire women. It invites discrimination against anyone else the employer believes might push an agenda in the workplace the employer doesn't like.

It encourages employers to probe into employees' private beliefs and activities. Freedom of expression and association are guaranteed in the first amendment. For over 200 years, this country has protected individual liberties. Those freedoms are essential to our national character, but this bill clearly undermines their beliefs.

The bill's supporters claim they want only to outlaw deceptive practices. They contend that employers are victimized by paid union organizers who accept a job with no intention of performing the work. Instead, they claim, these employees disrupt the job, harass coworkers, and file repeated frivolous complaints with governmental agencies. Innocent employers are forced to waste time and effort defending themselves against baseless charges.

Section 3 of the bill says its purpose is "to alleviate pressure on employers to hire individuals who seek or gain employment in order to disrupt the workplace of the employer or otherwise inflict economic harm designed to put the employer out of business."

Employers are not powerless under current law in the face of abusive practices. To the contrary—employers have

many ways to ensure an efficient and productive workplace.

First and foremost, a business can refuse to hire someone who is not qualified for the job. If an applicant lacks the experience or the skills required, the employer can simply say no. Union membership does not automatically entitle someone to be hired, nor is it discrimination not to hire a union organizer who cannot perform the duties of the job. The employer has substantial control.

The company can also protect its legitimate business interests by setting a policy barring workers from outside employment.

The firm can require employees to forego moonlighting of all kinds, from driving a taxi, to telemarketing from home, to working weekends at the corner store.

The Sixth Circuit Court of Appeals ruled last year that such a policy can be applied against paid union organizers so long as it is applied neutrally to all other types of employment.

This is a sensible rule. It recognizes employers' legitimate interests in workers who are focused on the job. We understand that, Mr. President. If the company says, "No, no moonlighting. The workers in our particular shop can only work on one job. We want that for business reasons, because we might need to have the workers work a second shift or a third shift and, therefore, we don't want you working in some other capacity." They can do that and accomplish the result they claim is their intent.

That is the Sixth Circuit's decision in the Architectural Glass decision in 1997. It says that they can effectively ban all kinds of moonlighting if they have a company-wide policy. So people cannot participate in other kinds of employment. If they are so concerned about that, they can do that. They can do that now. That is a way for them to try and deal with this issue if they are concerned about it.

Employers can also discipline or discharge employees who neglect their job duties. Workers who leave their stations or simply do not complete the work required of them can be disciplined. In April 1997, the Fourth Circuit Court of Appeals upheld an employer's right to discharge workers who failed to carry out their duties. In the Hess Mechanical case, the workers neglected their duties and tried to persuade their coworkers to join the union. The court held that the employer was well within his right to fire the workers for poor performance.

We understand that, Mr. President. If they hire someone who isn't interested in working, will not work, or can't do the work they can fire the workers who neglect their job duties. If they are not going to do the work for which they were hired, and if they are not qualified for the job, they don't need to be hired. If they are qualified for the job, they are hired, they work. If they do not work, and they are busy in other activities, they can be fired. That is the law of the land today—today.

Union membership does not give workers the right not to perform the job. A company can suspend workers who fail to perform adequately. Their pay can be docked. Disciplinary letters can be placed in their files. In extreme cases, they can be fired. Employers can use all of these items, and more, to get the job done. They are far from powerless to address the types of abuses cited by the bill's supporters.

Employers are also free to discipline workers who disrupt the job. Harassing coworkers or customers or blocking entrances, intruding in other work areas, all of these acts can constitute grounds for discipline. Once again, employers have many ways to maintain quality, efficiency, and productivity without undermining the employee's legitimate rights.

If the misconduct is extreme, employers can call the police. Violence, threats, and intimidation are criminal offenses. Damaging or destroying company property is a crime. No employer needs to sit idly by if employees commit such gross misconduct. Criminal charges can be filed. The offender can be removed from the worksite. These sanctions are in addition to all the other disciplinary mechanisms available to the employer. Once again, union membership confers no immunity.

This bill's supporters contend that union members inherently suffer from "divided loyalties." They claim that union members simply cannot be truly loyal to the employer, cannot give the employer the genuine allegiance required for an effective and productive workplace. But that extreme antiworker, antiunion view was rejected over 60 years ago when Congress passed the National Labor Relations Act. The so-called divided loyalty antiunion claim is phony. It was used by countless harsh employers to deny the fundamental rights of workers. And Congress put a stop to it in the 1930s.

Mr. President, I ask unanimous consent to have printed in the RECORD various letters that I have from a number of companies.

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

CENTRAL SIERRA ELECTRIC CO., INC.,
Jackson, CA, November 21, 1995.

Mr. JIM DEWILMS,
Local #684 IBEW.

DEAR JIM: In response to our conversation last week, here is my opinion concerning the benefits and drawbacks to being a union shop. As you know, Central Sierra Electric Co., Inc. has been in business for fourteen years and has been signatory with IBEW for the past two years. Listed below are what I consider to be among the Union's strengths. To date we have found no drawbacks.

Extremely helpful in getting qualified manpower.

Notified us of numerous jobs out to bid.

Given our name to developers & manufacturers looking for qualified contractors.

Assistance in getting jobs when competing against non-union shops.

I hope this is of assistance to you. Please feel free to give me a call.

Sincerely,

CLIFF FRANKLIN,
Vice President.

TL ELECTRIC, INC.,
Mountain View, CA, November 17, 1995.

Subcommittee Chairman, PETER HOEKSTRA,
U.S. Congress.

TO THE HONORABLE MR. HOEKSTRA: My name is Tim Long the owner of TL Electric License #701016. I was formerly a non-union firm who was just recently organized by the use of union salts from a couple of IBEW locals here in Northern California. After these employees made it known to me that they were affiliated with the union, it became apparent to me that the skill and ability that they had, along with their understanding of their rights as employees could only help me became a better contractor. At no time did they try to put my company in a bad light with my clients nor did they try to encourage my employees to become destructive to my equipment or to stop performing any assigned tasks. What they did do, was to show me they were productive, loyal employees that only wanted my company to succeed and for my employees to enjoy a better way of life by educating them as to what their rights were under the National Labor Relations Act.

Once I started to deal with the union salts and talk to them and to my employees I felt that becoming union would be something that I could look into. In all my dealings with the local union I was never threatened with any type of action. I was offered help in every area that I asked for and had my questions answered honestly. Since becoming a union contractor I have used the local union hiring halls and I am very pleased with all of the union members who have staffed my jobs. They have proven to me that they can be loyal as employees and to their union and that they are educated men and women who care about their rights and want to ensure that these rights are not denied to them. These union salts are out there trying to educate every man and woman that they have rights. They are not out there trying to put honest contractors out of business. I know that with the IBEW my company will be profitable and my employees educated to their rights.

Respectfully,

TIM J. LONG,
President.

ALONSO ELECTRIC,
Burlingame, CA, November 28, 1995.

TO WHOM IT MAY CONCERN: I am an Electrical Contractor and have been licensed since 1995. I joined the IBEW, Electrician Union in 1993. As an IBEW contractor I have been able to call the union hall when I need qualified electricians to work for me, and when the job is complete I can send them back to the union hall and do not have to worry about keeping a good man even when I have no work for him. So as a contractor the IBEW has solved my labor problems.

Personally I am receiving training in electrical theory and code requirements. I now have a good health and dental insurance

plan, and am participating in a pension plan, which I never had before.

Sincerely,

FRANK ALONSO.

[From the Labor Times, Kansas City, KS, Dec. 1995]

IBEW 124 TIES GOOD BUSINESS, CONTRACTOR SAYS

(By Tom Bogdon)

One of the active boosters of recruiting reforms within International Brotherhood of Electrical Workers Local 124 has been Carl McKarnin, general manager of the power plant division of Pioneer Electric Co. That is not too surprising considering McKarnin's own experience as a young electrician fresh out of the Navy and seeking a career in electrical work.

"I talked to the girl working in the front office (of the union)," McKarnin said in a recent interview. "She said she was sorry that no one got any farther without a sponsor. It was a closed-door union. I didn't know anyone at the time to sponsor me. I had no choice but to seek out other unions or go to a non-union shop.

"And it wasn't just the IBEW," McKarnin continued. "All the skilled trades were like that. If you didn't have a relative or friend in the union for a sponsor, you didn't get in."

Local 124 shunned McKarnin back in 1964, but the exclusionary policies in effect then did not slow McKarnin very much. He went on to build one of the largest and most successful electrical contracting firms in the metropolitan area. And five years ago McKarnin signed an agreement affiliating his firm with Local 124.

Now McKarnin assists actively in the aggressive efforts led by Local 124 Business Manager Lindell Lee to organize the unorganized sectors of the Kansas City electrical industry. McKarnin is fighting alongside Lee and other Local 124 members to eliminate vestiges of the "Country Club" atmosphere that for 30 years contributed to a steep decline, both locally and nationally, in the market share of electricians represented by the IBEW.

Also like Lee, McKarnin does not dismiss the competitive threat to growth of the unionized sector of the electrical industry posed by such non-union contractors as South Kansas City Electric (SKCE). * * *

"Unions have got a hard fight on their hands," McKarnin said. "There are several very good non-union companies out there that have good employees working for them. People like Lindell Lee recognize that and are moving aggressively to do something about it.

"An example of that is the employees working for us (Pioneer) who came out of SKCE," McKarnin continued. "We've taken in five of them, I believe that's correct. One of them, Tony Galate, has been with us four years and is a general foreman. He's running the new Federal Courthouse project Downtown for us now. That's the largest single contract the company has now or has ever had."

McKarnin was born 52 years ago in Liberty and grew up in the village of Randolph in Clay County. He attended North Kansas City High School, but dropped out when he got a job in a greenhouse, later working for National Bellas Hess and Pioneer Bag Co. He joined the Navy in 1960 for a four-year hitch, and was stationed on the aircraft carrier Lexington.

McKarnin trained ashore as an electrician while the Lexington was docked in San Diego. He described his 14-week Navy training course in electrical work as "excellent." * * *

Upon returning to Kansas City and, being unable to join IBEW Local 124. McKarnin went to a North Kansas City bank to open an account. McKarnin said the bank president asked him what he did for a living, and that he replied he was unemployed and looking for a job as an electrician. The banker recommended that McKarnin talk to Gabe Brull at Clayco Electric.

McKarnin was hired at Clayco, whose employees were represented by District 5 of the United Mine Workers, serving a four-year apprenticeship with that organization, which later merged with the United Steelworkers of America. McKarnin, who obtained a GED certificate in the Navy, also studied electronics for two years at the Central Technical Institute and electrical engineering for two years at the Finley Engineering College.

In 1969, McKarnin worked nine months at Evans Electric with a temporary IBEW Local 124 ticket, helping to build a runway at Kansas City International Airport and the nearby Trans World Airlines office building. He also served six years as president of the 200-member Steelworker Local 14436 which at that time represented electricians.

"It's interesting," McKarnin observed. "I've worked so closely with IBEW 124, but I was never a card-holding member."

In 1984, McKarnin and his wife Patrick bought Pioneer Electric, which had been founded in 1977. In 1994, Pioneer was sold to Duane Russell, and McKarnin signed a five-year contract to remain with the company as general manager for the power plant division.

In addition to other types of work, Pioneer services four Kansas City Power Light Co. power plants, the Board of Public Utilities' Quindaro plant, the Thomas H. Power Plant north of Columbia, Mo., and other plants in Denver, Sioux City, Iowa, among others.

McKarnin said Pioneer currently employs about 160 electricians, including about 90 IBEW 124 members and others from Local 226 in Topeka. McKarnin said Pioneer's employment peaked at about 300 last year, including office and craft personnel.

"I have worked very closely with IBEW 124 since our employees voted to be represented by the IBEW about five years ago," McKarmin said. "Middle class America was created by the unions. Non-union wage standards are set by the unions. Most people don't realize that. Most people think the employer will automatically take care of the employees.

"But if you travel outside this country to anywhere there is no union representation, you have two classes of people—the extremely rich and the extremely poor." McKarnin continued. "The middle class of any country is created by the unions. And non-union wages are set by the unions. Usually the non-union shops pay just a little bit less. But they don't pay any more than they have to.

"It also should be noted that the middle class—created by unions—pays most of the taxes that have set the high standard of life in this country that is envied by most of the world." McKarnin said.

"Other reasons I support the union is because of the federal laws they have fought for," McKarnin said. "Look at your air pollution and water pollution laws, at OSHA safety programs. These and other protections were lobbied for and fought for in Washington, D.C. by unions. That's a fact.

"Federal labor laws are like stop lights and speed limits," McKarnin said. "Somebody has to set the standard. There are people out there who will kill other people. Maybe they have no respect for human life and human rights."

McKarnin, who has assisted in Local 124's organizing efforts at the employer level and also by speaking to prospective union members, was asked if this is because he is an enlightened boss or simply because it is good business.

"It's just something I believe in," McKarnin replied. "I believe very strongly in union representation and that would be my attitude whether or not I owned a company. I buy American-made clothes when I can. Most of my clothes have a union label.

"Unfortunately some union members don't do the same thing, or you wouldn't have the unfair competition from foreign products. A good example is a union member who drives to work in a foreign vehicle. As owner of the company I have discouraged that and still do. It's not good business."

McKarnin said he has been involved with Lindell Lee and Local 124 organizers Chris Heegn and JIm Beem in the effort to organize SKCE.

"One employer asked me why doesn't the owner of SKCE want to go union," McKarnin said. "Simply stated, the reason SKCE employees should vote to go union are all the reasons why the employer does not go union.

"The employer does not want to pay a competitive wage and benefit package," McKarnin said. "And another thing is young people want the cash money in their pocket right away. Retirement is a lifetime away for them. They don't care about costly benefits such as health insurance, life insurance and retirement planning.

"People interested in joining the union have been with the company 10 or 15 years," McKarnin continued. "They've started thinking about the future and realize why they would benefit from joining the union."

McKarnin said that while employees benefit for union membership, so does the company.

"In the case of Pioneer Electric, the company believes we benefit from union representation," McKarnin said. "When we went IBEW, we had 25 employees. As I said, we peaked out last year at 300. So we have seen some benefits from IBEW affiliation in the availability of skilled manpower. We can't survive without the union, and the union can't survive without the company. That's the bottom line."

WILSON ELECTRIC,
Oakland, CA.

Hon. PETER HOEKSTRA,
U.S. Congress.

TO THE HONORABLE PETER HOEKSTRA: I am the owner of Wilson Electric Lic. #462959 a minority firm located in Oakland, Ca. I was a non-union firm until Oct of 1994. Until that time I had many projects that I manned through the use of temporary hiring halls, word of mouth and advertisement in local papers. I hired an employee who came to work on a fire station that I was doing for the city of Oakland. I was impressed with his skill and the way that he got right in and helped me to get this job back on track. He then informed me that he was an I.B.E.W. union member, a salt and wanted to organize my shop into the local union. I guess you can imagine my surprise to this revelation. He told me that he wanted all my employees to know that they had the right talk about the union, that they had the right talk about other conditions that might be of concern to them, and that he was still a good employee

himself and would still be loyal and productive. Not only did this employee remain a valuable asset to my company through his display of skill and knowledge and leadership, he treated my employees with respect and dignity, something that I had been told that the unions wouldn't do.

Through this union salt, the local I.B.E.W. union has shown me that their membership is committed to excellence on the job, continued education to improve their skills, to working with all of their contractors, to protecting the rights of all people working in the construction industry, to try and educate the public about all of the positive things that unions bring to their communities and that they can be loyal to their contractors and their union.

I am very pleased to say that I'm a union contractor. I believe that the union salting program is not only a good way to reach out to other working people, but that this right should be protected under the National Labor Relations Act.

Respectfully,

ROBERT WILSON.

COAST ELECTRIC,
Morgan Hill, CA, November 30, 1995.

To Whom It May Concern:

In mid 1992 My company was "salted" by a member of the IBEW, a Mr. Pat Mangano, for the purposes of organizing. The work completed was of top quality and we in fact have maintained a friendship. Fortunately I had given thought to the idea of becoming a signatory contractor prior to this event due to the inability of my company to hire qualified people at any wage level. The salting activity convinced me that the decision to become signatory was in fact the right one.

The contracting business is a complicated one even in the best of times and to be relieved of any problems is of great benefit. Having a reliable and qualified workforce at ones finger tips goes a long way to relieve some of the problems in a most stressful business. Thank God I am a union Contractor.

Respectfully submitted,

WILLIAM D. LARLEE.

Mr. KENNEDY. Here are individual companies that had been salted. This is their reaction to it.

This letter comes from Coast Electric Company in Morgan Hill, California. It says:

My company was "salted" by a member of the IBEW, a Mr. Pat Mangano, for the purposes of organizing. The work completed was of top quality and we in fact have maintained a friendship. Fortunately I had given thought to the idea of becoming a signatory contractor prior to this event due to the inability of my company to hire qualified people at any wage level. The salting activity convinced me that the decision to become signatory was in fact the right one.

The contracting business is a complicated one even in the best of times and to be relieved of any problems is of great benefit. Having a reliable and qualified workforce at one s finger tips goes a long way to relieve some of the problems in a most stressful business. Thank God I am a union Contractor.

From Central Sierra Electric Co., Inc.:

Here is my opinion concerning the benefits and drawbacks to being a union shop. As you know, Central Sierra Electric Co, Inc. has been in business for fourteen years and has been signatory with IBEW for the past two years. Listed below are what I consider to be among the Union's strengths. To date we have found no drawbacks.

Extremely helpful in getting qualified manpower.

Notified us of numerous jobs out to bid.

Given our name to developers and manufacturers looking for qualified contractors.

Assistance in getting jobs when competing against non-union shops.

From TL Electric, Inc., 2296 Mora Drive, Mountain View, CA:

I was formerly a non-union firm who was just recently organized by the use of union salts from a couple of I.B.E.W. locals here in Northern Carolina. After these employees made it known to me that they were affiliated with the union, it became apparent to me that the skill and ability that they had, along with their understanding of their rights as employees could only help me become a better contractor.

You see the fact is, Mr. President, when unions do use the salting technique, they send their best people into these companies. Opponents claim that they do not, and that they send people in there who are disruptive and harassing in order to break up the shops. In fact, they send their better people in to be an example in order to convince people to become union members. If they cannot win the respect of their co-workers, they will not be able to convince them to join the union.

I will go on with some of these others when I conclude this evening.

The principle of basic fairness was reaffirmed in the Town & Country case in 1992, decided by a National Labor Relations Board composed of members appointed by President Reagan and President Bush.

In that case, the NLRB emphatically rejected the employer's claim that paid union organizers are not "employees" under the labor laws, and that they are incapable of possessing the requisite loyalty to the employer. Instead, the Board ruled, "the statute is founded on the belief that an employee may legitimately give allegiance to both a union and an employer. To the extent that may appear to give rise to a conflict, it is a conflict that was resolved by Congress long since in favor of the right of employees to organize."

The Supreme Court unanimously affirmed the NLRB's decision. The Court described the issue before as follows: "Can a worker be a company's 'employee,' within the terms of the National Labor Relations Act . . . if, at the same time, a union pays that worker to help organize the company?"

In answer to that question, the Court held: "We agree with the National Labor Relations Board that the answer is 'yes.'"

The Court noted that the law protects employees' right to engage in union activities during nonworking time in nonworking areas. We understand that, Mr. President. They are only entitled to try to encourage people to involve themselves in union activities in nonworking time in nonworking areas. Otherwise, they can be disciplined. So we are talking about nonworking time in nonworking areas. That is key, Mr. President.

The decision explained that "this is true even if a company perceives these protected activities as disloyal. After all, the employer has no legal right to require that, as a part of his or her service to the company, a worker refrain from engaging in protected activity."

Mr. President, the bill before the Senate destroys this protection. It lets employers force workers to renounce their right to engage in legitimate, lawful activities. Businesses can discharge employees who attempt to organize their coworkers to join a union, or protest dangerous working conditions, unfair pay practices, or race or sex discrimination.

This legislation takes a giant step backward. It legitimizes conduct that our society has long condemned. It is hard to believe the Republican leadership is giving this misguided, antiworker bill such high priority as we near the end of this Congress.

Many of us have been trying to get consideration of the Patient's Bill of Rights so we can debate that issue before we recess. And, no, the Republican leadership says, no to patient protections that are of central concern to more than 160 million Americans who are in various health maintenance organizations and managed care plans. But what do we have on the floor of the U.S. Senate? The salting legislation. We could ask how many Members of this body on either side have read through this legislation and understood it. It was scheduled at the close of business last Thursday for a cloture vote this evening.

We could have debated patients' protection Friday, or if necessary, Saturday, or all day today. I bet you would have two-thirds of the Members of the U.S. Senate here instead of two Members. If we were dealing with the people's business, two-thirds of the Members would be here because they know the concern that families have about the abuses that are taking place. In too many instances in our Nation, it is insurance company accountants and agents making decisions on health care that ought to be made by doctors. Why aren't we debating that instead of an antiworker piece of legislation?

The silence from the Republican leadership is amazing. "Oh, no," they say, "you can only have three amendments. You either have to have your bill or our bill or two other possible amendments because we don't want to take up the time." Here it is, two Members of the Senate are on the floor, and we are moving off this bill to consider the Interior Appropriations bill later in the afternoon, and they will be hard-pressed to get another couple of

Senators on various amendments on that.

How much time remains?

The PRESIDING OFFICER. The Senator has 7 minutes 45 seconds.

Mr. KENNEDY. I reserve the balance of my time.

Mr. HUTCHINSON. How much time does my side have?

The PRESIDING OFFICER. The Senator from Arkansas has 11 minutes 56 seconds.

Mr. HUTCHINSON. Mr. President, after listening to Senator KENNEDY, I feel I should start by checking to see if I have horns that ought to be removed. I wasn't sure, frankly, whether we were debating minimum wage, family and medical leave, Davis-Bacon, comp time, OSHA, campaign finance team or summer jobs program.

I know that while there is concern about the amount of time we are spending on what Senator KENNEDY feels is an inappropriate bill, the total amount of time designated and agreed upon is 2½ hours equally divided on this cloture motion. I think to the thousands of small businesses across this country, their owners and their families, this is certainly worth 2½ hours on the floor of the U.S. Senate. I know that many businesses in the State of Massachusetts are certainly worth the time we are devoting to the subject today.

While Senator KENNEDY may be concerned that people have not read the bill, it is 3½ pages long. I suspect that any Senator, between now and this evening, will have time not only to study it and to study its impact, but also perhaps to read some of the hundreds and hundreds of letters that every Senator in this body has received on this subject.

For the sake of those who may not have time to read what I think is very important in this bill, I want to read it for the sake of my colleagues and the sake of the manager of the other side, because while part of the bill was quoted, a big part of the bill was not cited. It is this:

> *Provided*, That this sentence shall not affect the rights and responsibilities under this Act of any employee who is or was a bona fide employee applicant, including the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protections.

That is language directly from the National Labor Relations Act. We say there is nothing in this bill that can possibly infringe upon the right of a worker to do what they have always done. Salting has not been an accepted practice. Disrupting the workplace, causing economic damage, seeking to destroy one's employer, has never been an accepted organizing strategy in this country, nor should it be. That is all this legislation would restrict.

I suggest that when we talk about families, that we realize that small business men and women in this country have families, too. That they are workers, too. To invest a lifetime building a small business, building jobs and an economic future for their employees, to have that destroyed by this insidious practice is indefensible. I am amazed that anybody would stand and defend the practice of salting.

Now, we heard a couple of examples, I think, that mischaracterize what salting is. They say it is organizing. There is nothing in this bill that would prevent organizing. In fact, it specifically says that. So, please, let's not have red herrings thrown in. A small contractor in the Boston, MA, area has experienced numerous cases of union salts coming into the company under the presumption that at the open-shop company they would have low wages and no benefits. That is what they were told.

Every union salt came to realize that not only had the working conditions at the open shop been mischaracterized, but they were subjecting the company to an immoral and unscrupulous practice designed to harm the company. These employees and their families were later threatened by union members. Some compelling letters were received from employees to their union representatives saying they will quit the union and expressing disgust with the unscrupulous tactics they were put up to.

Let me read from one, and I will not use the names because I think that would be unfair. This letter is very moving. She mentioned the name of the company:

> . . . doesn't deserve the disgrace and shame local 12 wants me to bring upon them. Every one at [the company] has worked too hard to have this done by me. I can't do it. I have been raised different. How can I raise my kids by setting an example like this.
>
> I have decided to sever my time with local 12 [in Boston, MA.] After 2 years, I'm finally there. If this is how I have to get it, I don't want it.

And then she mentioned her employer's name.

> Please do not contact me by phone, mail or in person.
>
> I would like to remain an employee of [this company] but I understand and deserve termination. . . . Do as you see fit.
>
> I would strongly recommend to anyone involved in local 12's program, [that is referring to the salting program] to get out.
>
> I don't know how I could face you and do what they want me to do. I'm sorry I've betrayed you. I would like to apologize.

There are many salts we heard from, former salts who said, "I got out. It was too dirty. It was too much of an unscrupulous business to be part of it. I got out."

That is what we want to ban—not legitimate organizing, but this destructive tactic to go only to destroy the company. In their own words, from the State of Massachusetts, the organizing report of the International Brotherhood of Painters and Allied Trades, Roslindale, MA, this is what they wrote:

> This is the opportunity to strip these nonunion contractors of their most skilled workers and put the nonunion contractor in a situation where they won't be able to fulfill their contract obligations.

That is not me. It is their own words. Not their best workers, but to strip them of skilled workers.

They say:

> We are stripping quality workers from these shops, weakening their ability to man their jobs. Our intent with this company and companies like them is to put them out of business or have them sign on the bottom line and become a union shop. Our efforts at this major nonunion shop have resulted in a victory from the council. We stripped away the best of their workers so far. They stopped advertising for help, and in fact, they put a freeze on all hiring. This has impeded [the Company's] day-to-day running daily. They need workers at this busy time of year, but they cannot hire. The word from our sources in the company is they will use a temp agency to hire workers. This will result in their having difficulty getting quality, long-term workers and will drag down their standard of worker. We know [the Company] has already been kicked off from one job for not getting it done on time. The less work this painting contractor does, the more there is for our signatory contractors to take on, and the stronger we get.

That is in their own words.

You can either accept salting is legitimate, salting is just an organizing tactic, or you could listen to their own manual and to their own reports that their goal is to destroy small businesses. And that's wrong.

It isn't impinging upon the rights of workers to organize, to collectively bargain. It is saying there is a right way to do it and there is a wrong way. This was never envisioned when the National Labor Relations Act was passed and it should be prohibited.

In 1996, there were over 17,000 complaints to the NLRB. This isn't a rare, isolated thing. There are thousands of frivolous complaints. The cost when they are investigating, $17,500 of taxpayers' money just to investigate these frivolous charges. That is what we are dealing with.

May I inquire as to how much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes 7 seconds remaining.

Mr. HUTCHINSON. I reserve the balance of my time.

Mr. FAIRCLOTH. Mr. President, I rise today in support of Senator HUTCHINSON's bill, the Truth in Employment Act. This legislation is needed to address the problem of salting abuse, which places unfair economic pressure on non-union employers and ultimately costs American taxpayers millions of dollars each year.

In a typical salting case, union operatives gain access to a non-union

workplace by obtaining employment with the company. Rather than further the interests of the company or even organize employees, their true objective is to disrupt business operations and increase costs for the non-union employer. This, of course, is achieved in a number of ways, including the filing of discrimination complaints with the National Labor Relations Board or other regulatory agencies.

Mr. President, an overwhelming majority of these cases are dismissed by the National Labor Relations Board as frivolous and without merit. Unfortunately, employers must shoulder the enormous costs of legal expenses, delays, and lost productivity, regardless of their innocence. One such frivolous case involves Burns Electrical Contractors in Charlotte, North Carolina. In 1996, a union salt gained employment with Burns Electric after lying on his application about his qualifications and his past employment. In actuality, he was on a union payroll for $65,000. Within the first week, he began disrupting business, and, after abandoning his job, he was permanently replaced. Of course, discrimination charges were soon filed with the National Labor Relations Board.

More than two years later, the case was still not heard by the National Labor Relations Board. Burns Electric was forced to lay off workers and lost several bids on new construction projects. It incurred an estimated $250,000 in business losses and $10,000 in legal fees. Eventually, Burns Electric yielded to its attorney's advice and settled the case (it is often far less expensive for small businesses to settle than it is for them to contest the charges). Thus, the union salt was successful in disrupting operations and weakening the market share of this company, simply because its employees would not join a union.

Unfortunately, there is no disincentive for filing such a frivolous complaint. The federal government funds the investigation and prosecution of charges. This, of course, results in a considerable tab for the American taxpayer. I am informed that 8,449 cases were dismissed and 8,595 cases were withdrawn during FY 1996, costing taxpayers $780 apiece. In the same year, 2,509 unfair labor practice charges were actually investigated and prosecuted in front of an Administrative Law Judge. The average cost for these cases is $17,500. Finally, 174 charges were appealed to the Circuit Court of Appeals in FY 1996, at a cost of $42,700 each.

As you can see, the Federal government spends millions to process, investigate, and prosecute these complaints. And because most of these charges are frivolous, taxpayers are actually funding the extortion of employers and the manipulation of government institutions. I believe it is wrong to use tax dollars to support this fraudulent and wasteful system.

Mr. President, the solution to this problem is simple. An employer should not be required to hire any individual whose overriding purpose is to disrupt the workplace or inflict economic harm on the business. By making this clear, the Truth in Employment Act will bring fairness to our labor laws and will go a long way toward eliminating waste and fraud in government. I strongly urge my colleagues to support this commonsense legislation and vote in favor of cloture.

Mr. KENNEDY. Mr. President, I think we have 7 minutes.

The PRESIDING OFFICER. The Senator has 7 minutes 37 seconds.

Mr. KENNEDY. I yield 4 minutes to the Senator from Iowa.

Mr. HARKIN. I thank the Senator.

Mr. President, I am sorry I could not have been here earlier to speak against this onerous piece of legislation. The so-called "truth" in employment act? It ought to be called the "fear" in employment act. Of all the requirements that a person has to go through to get employment, the last thing you ought to worry about is your personal beliefs or what you think.

How is an employer going to find this out? Are we now going to start administering "truth tests" to people who seek employment? Are we going to give them an injection of sodium pentothal so they have to tell the truth? Are we going to put them under hypnosis to open their minds?

This is probably one of the most far-reaching, invasive pieces of legislation that goes at the very heart of the Bill of Rights. The freedom of thought—to make sure that people can't force you, either in a court or anywhere else, to testify against your will, testify against yourself, or to force you to tell what you think is fundamental to our liberty. Yet, this bill amends this principle. This legislation would implement a unprecedented chilling effect on employment practices in this country.

I was listening to the Senator, my friend from Arkansas, talk about this. Employers already have the ability to fire workers who neglect their job duties. In fact, under the Hess Mechanical case, they will get attorney's fees for anybody who neglects their job duties and are dismissed, if they file a countersuit in court, for example.

So the more I look at this bill, I have to admit that this is really what I would call—and I listened to the Senator from Massachusetts earlier, listing all of the assaults that have been made on workers' rights since the Republicans have taken charge around here. This bill is just another bill on the Republican donors' wish list. That is all this is; it is nothing more than that.

But beyond that, it is a terribly invasive piece of legislation. Employers already have more power to tip the scales. If we really want to level the scales between employers and employees, we ought to do away with the Striker Replacement Act. We ought to make it so they can't replace striking workers. That would even and balance the scales. But this piece of legislation here, which says an employer can delve into the thoughts of a person—my gosh, how far are we going to go in this country?

Lastly, when it uses the words "for the purpose of furthering another employment or agency status," what does that mean? Does that include, for example, women who come to work and organize to start a day care center? How about racial minorities who may want to organize or petition for a day off to observe Martin Luther King's birthday? That presumably would be covered under agency status. There is no definition of "agency status." I understand what employment status is, but agency status is a broad net that would capture everything—potentially usurping our fundamental freedoms to organize and participate in important causes.

The Senator from Massachusetts has laid out quite eloquently the reasons why this legislation ought to be stopped in its tracks and why we ought to stick up for not just the working people in this country, but for the Bill of Rights and the right of people to think freely and to act freely in accordance with the law.

There was a Supreme Court case 2 years ago, the Town and Country case, with a unanimous opinion of the Supreme Court ruled that an employees affiliation with a labor union or other group cannot affect their employment eligibility. That is what they are trying to overturn here, the Town and Country case. It says that it doesn't make any difference what you think, as long as you are doing your job. If you want to do something outside of the job that is lawful and legal, employers cannot require you to disavow yourself of your right to participate in that activity, whether it be organizing a union or petitioning for workplace child-care centers. I think that is an excellent decision, a unanimous decision. We don't get that many anymore. Yet, this legislation seeks to overturn that Supreme Court decision.

The PRESIDING OFFICER. The Senator has used his 4 minutes.

Mr. HARKIN. I ask for 30 more seconds.

Mr. KENNEDY. I yield 30 more seconds.

Mr. HARKIN. It is a bad piece of legislation, and not just for working people, but for every American, for the Bill of Rights, and for our constitutional rights to be free to think and have our own consciences, this bill ought to be stopped in its tracks.

I thank the Senator for yielding the time.

The PRESIDING OFFICER. Who yields time?

Mr. HUTCHINSON. Mr. President, sometimes when I hear debate on the floor of the Senate, I wonder what bill we are debating or whether the bill being spoken of is actually reflected in the specific provisions.

I remind my colleagues once again that this bill does not overturn the Supreme Court decision, the unanimous Supreme Court decision. It does not infringe whatsoever on the rights of employees to organize. It specifically states in a provision added on page 4, the last part of the last statement in the bill, that nothing in this shall infringe upon or affect the rights and responsibilities of the employee. It comes straight from the Labor Relations Act that says nothing in this can infringe upon that. It says that an employer doesn't have to hire someone whose—it doesn't infringe if they want to organize, for whatever reason, whatever the cost, or whatever thought. It says that if your primary goal in taking that job is not to fulfill the responsibilities of the job but is to further the goals of another organization or another agency, that employer is not bound to hire you. And, yes, they can file a discrimination suit. But now the burden would be upon the NLRB lawyers to demonstrate that, in fact, this person was a bona fide employee applicant.

So the employees' rights are absolutely and totally protected under this legislation.

Mr. President, I ask unanimous consent that Senator GORTON of Washington and Senator KYL be added as cosponsors to this bill.

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

Mr. HUTCHINSON. Once again, we get this impression that has been presented this morning that somehow these are legitimate organizing efforts. Yet, I have read quotation after quotation from the IBEW and other unions' own organizing manuals that make it very clear that the goal is, in fact, to economically destroy the company and the employer.

So I will throw one more in. This is the IBEW Organizing News Letter, volume No. 1, March 1995, on page 4:

> These companies know that when they are targeted with stripping, salting, and market recovery funds, it is only a matter of time before their foundations begin to crumble. The NLRB charges the attorney fees, and the loss of employees can lead to an unprofitable business.

That is what they want. If they can't organize, they destroy them economically. But it not only destroys them economically, it costs the taxpayers, because we are paying the NLRB attorneys, and it ruins the reputation of good, hard-working Americans who have invested their lives in building businesses. I can't think of anything more tragic than to spend your life building a business—spending 30 years out there starting as a mom-and-pop operation and gradually adding employees, providing a good place of employment for workers—and then, through this pernicious tactic, see your business destroyed and have to close your doors, to see those jobs lost, and to say that somehow this is antiworker.

I will tell you what is antiworker. It is those who would use that kind of an unconscionable tactic to destroy the economic viability of a business. Yes, it ought to be legal to organize; that is something that ought to be protected by law; it is a precious right of workers in this country. But it is not a right to go in and destroy the economic viability of a company or business of a small business owner. That is wrong. I find it amazing that anybody could come down and defend that kind of tactic. All in the world this legislation would do is stop those kinds of tactics.

Mr. President, when a union salt goes home to his family, his wife, his son, his daughter, and his wife says to him at the end of that day, "Honey, how was your day?" or that child says, "Daddy, how was your day?" can he look his wife or child in the eye and say, "Oh, I had a great day. I participated in the destruction of a hard-working American's life dream and his livelihood"?

I hope my colleagues will support this legislation.

I yield the floor.

Mr. HARKIN. Mr. President, how much time is left?

The PRESIDING OFFICER. Senator KENNEDY's time is 2 minutes 32 seconds.

Mr. HARKIN. I ask for 1 minute.

Mr. KENNEDY. I yield 1 minute to the Senator from Iowa.

Mr. HARKIN. Mr. President, I have been listening to my friend from Arkansas. I read the language of his bill. The words are, "for the purpose of furthering another employment or agency status." It doesn't say for the purpose of destroying the company. Yet that is what he is talking about.

What is wrong with the purpose, for example, of helping to form a union? There is nothing wrong with that. There is nothing wrong for women, for example, wanting to organize to have a day care center, or minorities wanting to organize to have a day off. That is an agency. The words don't say for the purpose of destroying a company. That is the Senator's own thought process. Furthermore, the Senator from Arkansas's argument is faulty in that he claims this "salting" activity is carried out to specifically cripple economic viability of a business. However, I ask, what person would destroy the very business, the very thing, their job and living is dependent upon? So it seems the Senator's argument is counter productive.

Mr. HUTCHINSON. Mr. President, will the Senator yield for a question?

Mr. KENNEDY. On whose time?

Mr. HUTCHINSON. My time is up. My time has expired.

The PRESIDING OFFICER. All time is controlled by the Senator from Massachusetts.

Mr. HARKIN. I wish we had more time. We will debate this later.

Mr. KENNEDY. Mr. President, I ask unanimous consent for 2 more minutes, and yield time to the Senator from Arkansas.

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

Mr. HUTCHINSON. Mr. President, I thank the Senator from Massachusetts. I thank my friend from Iowa for yielding for the question.

If you will look at the language in the bill, clearly the primary purpose is to go in to further the goals of an organization or agency. If we go to apply for a job—I ask for the Senator's opinion of this—it is my understanding that if you apply for the job, the primary purpose would be to fulfill the job, and it is not the primary purpose to fulfill the goals of the organization. That is why the employer would not be required to hire the employee under that. He would not fit the definition of a bona fide employee.

Mr. HARKIN. I thank the Senator. I don't know what the definition of bona fide employee is.

I am reading section 4 of the bill. It says:

> Nothing in this subsection shall be construed as requiring an employer to employ any person who is not a bona fide employee applicant, in that such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status.

It doesn't say for the primary purpose of destroying the company. That is not it at all.

Mr. HUTCHINSON. If I could ask one more question, would the Senator consider hiring someone in his office whose primary purpose was not to work for him, but whose primary purpose was to undermine everything he is trying to achieve in the U.S. Senate?

Mr. HARKIN. No. Obviously, if someone came in with the purpose of working for me and doing a good job for constituents that I represent in the State of Iowa and is willing to do the job, is dedicated to that job but also wanted, for example, to organize an employee's group for day care, or for minorities rights, or whatever, absolutely I would hire that person. I would do it in a minute. But that example begs the question, how can employer determine a prospective employee's thoughts, intent, or motives? Subsequently, arbitrarily deny employment to someone because they suspect they had ulterior motives. This is bad legislation that deserves to be defeated. We should be

concerned with ensuring fairness and equity for the workers rather than further tilting the scales in favor of unscrupulous employers.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. First of all, I will include in the RECORD the scores of letters from small businessmen and women across the country that reject the Senator's proposition and hope that this legislation will not be included.

Second, Mr. President, any of the circumstances that the Senator has outlined here can be prosecuted under law at the present time.

The idea of conjuring up all of these horror stories and then saying that is what happens in the workplace as a matter of course is fundamentally wrong. That is not the case. If you have disruptions, there are perfectly adequate ways of addressing them.

Finally, Mr. President, the Supreme Court has upheld the concept that one can be interested in a good job with good working conditions, believe in a union, and also be interested in furthering the interests of the company. That is what this proposal would overturn.

Mr. President, I think all of our time has been used up.

I yield 36 seconds.

Mr. WELLSTONE. Mr. President, I just say that I thank my colleague. My understanding is that there might be a little time. My plane was delayed. I will wait. I thank my colleagues.

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

The PRESIDING OFFICER (Mr. FRIST). 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.

Mr. GORTON. Objection.

The PRESIDING OFFICER. Objection is heard.

The clerk will call the roll.

The bill clerk continued with the call of the roll.

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

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

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, 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.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we began debate on this Interior appropriations bill last Tuesday. The Senator from West Virginia, Mr. BYRD, and I each made our opening statements and a handful of agreed-upon amendments were added to the bill at that point.

Then we spent much of the rest of the week on an amendment relating to campaign finance laws and other subjects not related to the Interior appropriations bill. So no progress was made on this bill.

Today, a number of Members on the other side of the aisle wish to offer an amendment related to agricultural policy. Of course, under the rules of the Senate, they have every right to do so. It is certainly appropriate to recognize them in the absence of a contested amendment dealing with the Interior appropriations bill.

The majority leader wants all Members to know that there will be time for discussion of that amendment during the course of the afternoon on both sides, including the distinguished chairman of the Committee on Agriculture. But when that debate seems to be over, or at 5 o'clock, whichever comes first, the Senator from Indiana, the chairman of the Appropriations Committee, will move to table the amendment and will ask for the yeas and nays, and there will be a vote on tabling the amendment immediately after the vote that is already scheduled for 5:30 this afternoon.

With that notification, I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. DORGAN. Mr. President, let me inquire of the Senator from Iowa—does the Senator from Iowa have the floor?

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. DORGAN. The Senator is going to offer an amendment on our behalf and on behalf of the Senate minority leader. My expectation is Senator GORTON would like to provide an opportunity for the minority leader to speak before the vote. I don't know if he made a unanimous consent request. I hope, in any event, if there is a discussion of time with respect to the tabling of this amendment, that there is an understanding the minority leader will be given time to speak prior to the tabling motion.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

Mr. HARKIN. I yield without losing my right to the floor. I obviously yield to the Senator from Washington.

Mr. GORTON. At 5 o'clock, under the previous order, we are to go back to another bill, on which we will vote on cloture on the motion to proceed at 5:30. It is the present intention of the majority leader to have a vote on tabling this amendment immediately after that 5:30 vote. I am sure that the majority leader will want to give the minority leader an opportunity to speak to the issue, however, beforehand. That is something they can negotiate with one another, but I see no problem in letting the minority leader speak.

Mr. WELLSTONE. Mr. President, may I ask my colleague one question?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I yield to my friend from Minnesota without losing my right to the floor.

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

Mr. WELLSTONE. Absolutely. I thank the Chair. I guess it is an indirect question for other colleagues as well. I put it in the form of a question to my colleague from Iowa.

While I understand the need for some sort of time agreement, does not the Senator from Iowa agree with me that we have an economic convulsion in agriculture right now and this is an issue of central importance to many Senators from the Midwest? I ask my colleague from Iowa if he thinks, in all due respect to the majority leader, that we are marginalizing or trivializing this issue by saying that it is going to be tabled at 5 o'clock? Some Senators may not even be back here—not just Senator DASCHLE from South Dakota—without the opportunity to speak about this issue.

Does my colleague think maybe it is a mistake not to allow other Senators to speak on this? This is not a small issue—am I correct?—in our States. Doesn't this issue deserve the full attention of the Senate or full opportunity for a full debate? And does my colleague not have some concern that by having a tabling motion sometime around 5, that a good many Senators are not going to be able to speak on this question, this urgent question?

Mr. HARKIN. I respond to the Senator from Minnesota to say I agree with him absolutely, there is a convulsion going on in agriculture today. We are spiraling into a deepening crisis in agriculture all over America, especially in the Midwest. Yes, this issue is of vital importance to farm families and people in rural areas all over America. I do believe we have to take some time to lay out the case and to lay out the facts of what is happening in agriculture today.

My colleague from Minnesota, I know, will do that today. My colleague from North Dakota, and others, I am sure, will want to come on the floor. The Senator from Minnesota is right, it is a Monday. People were told there

would be a first vote today at 5:30. So I assume a lot of Senators are now returning to Washington, such as the case with the minority leader, Senator DASCHLE.

I hope, since we are taking some time this afternoon—let's be honest about it, there is not much happening on the floor of the Senate today. I don't see anybody lined up with amendments. So we are taking this time to talk about and discuss the parameters of the problem in agriculture and to lay down our amendment, of course. But I hope that we will at least have some time beyond 5 or 5:30 this evening, maybe even tomorrow, to have some further discussion on the crisis in agriculture.

The Senator from Minnesota I think is absolutely right. I am sure there are a lot of Senators who would like to say something about this and to maybe add their thoughts, their views, their perceptions, their support. Or perhaps there are those who don't want to support doing anything at all but to just let it go, and they have a right to speak here, too, and they should be heard also.

I am hopeful that, as the Senator from Minnesota has pointed out, the floor manager of the bill and the majority leader of the Senate will at least afford us some valuable opportunity for other Senators to come in and speak on this bill after their return to the Senate Chamber.

Mr. WELLSTONE. May I ask my colleague one more question?

Mr. HARKIN. I yield for a question.

Mr. WELLSTONE. And I will let my colleague go on with his presentation. I know there are a number of Senators who want to speak, myself included.

I ask the Senator from Iowa this question, again, making the appeal to the majority leader: Doesn't this also go to the heart of accountability? Isn't it true people in Iowa, Minnesota, the Dakotas, throughout the Midwest, and, for that matter, throughout the country as well—let me focus on our States—as my colleague from Iowa thinks about it, don't people back in our States have the right to know where we stand? Don't they have a right to know whether or not their Senators have been out here on the floor making proposals—positive proposals—about what could be done that speaks to their economic pain one way or the other? Doesn't this whole issue before us speak to the issue of accountability?

If we have a tabling motion at 5 or 5:30, albeit the minority leader absolutely has to speak, doesn't this take away from the very idea of accountability, where people will wonder, where were our Senators, why didn't they speak up for us, or why didn't they have other alternatives if they didn't like this amendment? Don't we really undercut the very notion of accountability and what we are about by rushing to a tabling motion on such an urgent matter, such a central issue, something that is so important to people in our States?

I feel some indignation about this. This is not the way to proceed. For me, this is the issue. What is happening in Minnesota in agriculture is the issue. I just don't see a couple of hours, table, goodbye, that's it, one way or the other.

Mr. HARKIN. I agree with the Senator, this is a matter of accountability. Senators should have the right to speak, but they should also have the right to cast their vote one way or the other, up or down, on the amendment.

So I am hopeful that there would not be a tabling motion, that in fact we would be able to vote up or down on the package of amendments that I will soon be offering on behalf of Senator DASCHLE and the Senator from Minnesota, the Senator from North Dakota, and several others. But they should have the right to vote on that up or down. I think our constituents, as the Senator pointed out, they have the right. We have the obligation. They have the right to demand that we vote up or down on whether we are going to take some meaningful steps to alleviate the situation in agriculture.

AMENDMENT NO. 3580

(Purpose: To provide emergency assistance to agricultural producers)

Mr. HARKIN. Mr. President, I will soon be sending an amendment forward, but I thought I would speak on it before I do. Then I will yield to my colleague from North Dakota, who I know wants to speak, and my colleague from Minnesota. But I would like to take just a few minutes again to talk about the grave economic situation in rural America.

I just remind my colleagues in the Senate, that the Senate voted unanimously in July on my resolution describing the terrible conditions in agriculture and calling for immediate action by Congress and the administration. That passed the Senate unanimously. Unfortunately, a little bit later, when the Senate had a chance to pass a measure to provide some assistance, we did not manage to assemble the necessary votes. That was in late July before we left for the August recess. I am, however, encouraged by some information I have become aware of that attitudes toward what we proposed in July may have changed. So I am hopeful that today we will be able to pass this critically important legislation to provide emergency farm income assistance to farm families. I see no reason why we cannot pass it in the bipartisan tradition that has customarily been the hallmark of agricultural legislation.

If there was any doubt about the seriousness of the situation and the need for taking action in July, there can be no doubt today that the situation has worsened and that the urgency of the need for a response has increased.

Mr. President, I used these charts last week. Unfortunately, they are still valid this week. But I just want to point out that since we first debated this in July, on July 17, when there seemed to be some sense on the Senate floor that we were not really in a crisis situation in agriculture, that since July 17, we have had a 21-percent decline in the corn price—we used central Illinois as an indicator—and the prices keep on dropping.

As a matter of fact, I point out that just late last week the Department of Agriculture revised their crop estimates for corn, and we are going to have even more corn than we thought we were going to have. So we see that about every time a new estimate comes out, we get closer and closer to 10 billion bushels of corn; and that drives the market price down. The same thing happened with the soybean price. We had an equivalent 21-percent decline in the prices. Again, they are still down there.

Since July 16, when we passed here the version of our agricultural appropriations bill: Dodge City, KS, wheat down 20 percent; north central Iowa corn down 26 percent; southern Iowa/Minnesota market hogs down 11.6 percent. In fact, in hogs we are looking at the lowest prices for hogs since 1974—almost 25 years. Billings, MT, feed barley down 20 percent. Kansas City hard red winter wheat down 13 percent. As I understand it, it is still going down.

We can see what has happened since we passed the farm bill. You see what happened. We had a couple years here of increasing prices, exports were going out, customers overseas, the Asian economy was booming. So we passed the 1996 so-called Freedom to Farm bill, but then everything just started going to pot.

Look at what our prices have done since then. We are on a constant decline and a sharp decline in commodity prices since that period of time, all in corn and in soybeans and in wheat. All three of them, ever since the 1996 farm bill, keeps coming down. That little red line indicates just what happened in the last several weeks.

So if there ever was any doubt in anyone's mind of the crisis in July, there can be no doubt any longer. And prices, unfortunately, are certain to fall even more at harvest. We are facing the reality of a very serious economic hardship, all around the Nation.

And let me just underscore this: This is not the fault of farmers. We have a world situation where large supplies of commodities have combined with weakened demand to drive these commodity prices lower. In just the past 2 years, the farm-level prices for corn, wheat and soybeans have declined an average of over 50 percent in 2 years; and cattle prices, 20 percent below

their level earlier in the decade. As I said, hog prices are at their lowest level since 1974.

On top of that, many regions—North Dakota, parts of Minnesota, Oklahoma, Texas, Louisiana—several regions, we have had bad weather and/or crop disease that have devastated farmers. Thirty-two of 50 States suffered declines in personal farm income between 1996 and now.

USDA price estimates are that the lower corn and soybean prices will cause a loss in farm income of $1.4 billion in Iowa alone this year. Such a loss would threaten up to 26,000 jobs in my State. Nationally, USDA now predicts a precipitous drop in farm income of $11 billion this year. That loss of farm income could result in a loss of over 207,000 jobs. Farm debt is at the highest level since the mid-1980s in the depths of the farm crisis at that time.

So, Mr. President, use whatever yardstick of measurement you want. By any measurement, we are spiraling into a deepening crisis in agriculture that must be stopped—and stopped now—before it gets any worse.

So today what we are proposing is a package that has four main elements. No. 1, we propose to remove the caps on loan rates that were put into effect in the 1996 farm bill and to allow the Secretary of Agriculture to extend the loans from 9 months to 15 months.

The way that loan rate would work is that you would take the average price over the last 5 years, drop out the high and the low, take the average, and 85 percent of that would be the loan rate.

No. 2, we propose to ensure that enough money is available for indemnity compensation to farmers who have suffered losses from weather and disease.

No. 3, we propose to provide the Secretary of Agriculture the authority to make storage payments on wheat and feed grains in order to encourage producers to place surplus commodities under loan when the Secretary determines that such action is appropriate to respond to problems in the transportation and marketing systems caused by large supplies.

No. 4, we are reiterating our commitment to livestock price reporting and to the labeling of imported beef and lamb. Parts of this were passed before, but we do not know if that bill is ever going to see the light of day. So we are offering it again on the Interior appropriations. For example, on the livestock reporting and the labeling of imported beef and lamb, those two were passed before. Indemnity compensation was passed before, but at much too low a level. We now know that the losses are much higher than what we anticipated in July.

We believe we have crafted a responsible and modest package to respond to the deepening crisis in rural America. We are not proposing any radical change to the 1996 farm bill. We are not changing any fundamental principles of the 1996 farm bill, which was to give farmers new planning flexibility and freedom. We are not touching that aspect of the 1996 bill.

We are simply modifying something that is already in the bill. Loan rates are part of the 1996 legislation. It is just at that time the wisdom of the Congress—I voted oppositely—was to put caps on the loan rates and to freeze them at the 1996 level. All we would simply do is modify that and lift the caps for the loan rates—use the existing law but just take the caps off, but use the existing law—which would allow the Secretary to extend the loan periods and to make storage payments. Again, we are not introducing new features. We are simply taking the caps off of these loan rates.

Our amendment focuses on the level of the loan that these farmers can take out on commodities after harvest, using their crops as collateral. The loan allows the farmer to pay bills, retain the crop while waiting for improved marketing opportunities.

We always heard about Freedom to Farm that allows families the flexibility to plant, but what the farmer this year doesn't have is the flexibility to market. Because of the need to pay bills, the farmer most often this fall will have to dump the grain on the market at the lowest possible price.

What extending the loan rates and raising the caps means—the farmer can take that loan out, and if the Secretary determines that they should make storage payments, they get storage payments also and the farmer can take the grant—the loan rate that he has—pay the bills, and then he can market his grain, market his grain when he feels is the right time, not just when he is forced to dump it on the market this fall.

We all hope, of course, that next year grain prices might recover, the Asian economy might get better, and prices might come up. If so, I want the farmer to reap the benefits of that, and not just the large grain companies.

The formula, as I said, has been around for a long time. I mentioned the formula; I don't need to go through that again. I will give a couple of examples. The 1996 farm bill set as a cap on the loan rate $1.89 a bushel; if the cap were removed, the loan rate would be about $2.17 for the 1998 corn crop—modest, very modest, but it would really help. In the case of wheat, the loan rate capped at $2.58 a bushel; removing the cap put it at $3.16 a bushel—still much too low for a real market price for wheat but, again, a modest increase that would help our wheat farmers.

In addition, as I said, our amendment would allow the Secretary to extend the loan for an additional 6 months—from 9 to 15 months—again, to give the farmers some more marketing flexibility.

Let me say a word about giving the Secretary the ability to make storage payments. The purpose of the storage payments is to facilitate orderly marketing, to alleviate burdens on commodity transportation and marketing systems. As we have seen in recent months, large supplies of commodities place a huge stress on the transportation system and on the entire commodity marketing and merchandising system. If farmers place some of this surplus grain into storage rather than dumping it into the market at harvest time, there will be some relief from the pressures on the grain transportation and marketing system.

Again, keep in mind that we are making this discretionary with the Secretary. He can look at the situation as it develops. If it looks like we will have a lot of grain sitting on the railroad sidings with a backup in cars and we won't be able to get our grain out to market and the prices keep going down, he could then extend some storage payments to farmers.

Again, we are not changing any of the planting flexibility of the 1996 bill or anything like that.

Now, I will just close on this note and say there seems to be some misconception that our amendment involves "Government intrusion" into the business of farmers—that we are going to put the Government back in farming. Nothing could be more mistaken. In fact, we are enhancing the ability of farmers to market their commodities when it is most advantageous for them to do so. I know the old refrain about keeping the Government out of agriculture, giving the farmers more freedom. That is what we are doing. We are giving them more freedom in our amendment, more freedom to be able to market their crops.

Again, this is a modest approach, one that shouldn't cause any real discomfort among those who so strongly adhere to the 1996 farm bill and who believe that we shouldn't make any changes in it. I happen to be one of those who did not vote for the 1996 farm bill. I thought it was a good farm bill for when the export demand is high; when there is a lot of money overseas, it is fine; but when those markets disappear, as they always do cyclically, the farmer is left holding the bag. There is no safety net for farmers.

President Clinton said at the time he signed the farm bill that he was doing so but he recognized that the safety net was taken away and we would have to come back and modify it at some future time. Well, now is the time to take the loan rate caps off and to send a strong message to farmers that we, indeed, recognize the disaster that is taking place out there.

I spent the weekend in my State of Iowa. I had a meeting with a farm advisory committee. There are some people

on the committee who are bankers, farmers, commodities dealers, and they stated, to a person, if something is not done this fall, it will be too late next spring. It will be too late to save a lot of farmers. It will be too late to do something about the spiraling down and the economic effects that this will have on all of our businesses in rural America come next year if we don't do something right now.

I see a lot of my colleagues on the floor who would like to speak, so I send my amendment to the desk on behalf of Senator DASCHLE, myself, Senator JOHNSON, Senator KERREY, Senator CONRAD, Senator BAUCUS, Senator DORGAN, and Senator WELLSTONE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN], for Mr. DASCHLE, for himself, Mr. HARKIN, Mr. DORGAN, Mr. JOHNSON, Mr. KERREY, Mr. CONRAD, Mr. BAUCUS, and Mr. WELLSTONE, proposes an amendment numbered 3580.

Mr. HARKIN. I ask unanimous consent reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HARKIN. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened carefully to the comments by Senator HARKIN from Iowa. I have spoken over the weekend, again, with Senator DASCHLE, on whose behalf we offer this amendment. A group of us have joined together, believing it is urgent that we respond to the farm crisis and that we do so quickly.

I want to go through a couple of charts, just briefly, that describe what this crisis is about. The first chart goes back to April 1996 and shows what has happened to farm prices. Wheat prices have fallen from $5.75 per bushel down to $2.46. The price of wheat, in this case, dropped 57 percent in this nearly 2-year period, since the farm bill.

Now, I ask people to think of their own situation. If their income dropped 57 percent, what shape would they find themselves? That is what has happened with family farmers. At the same time the price of their inputs have grown, and increased dramatically. The price of their grain has collapsed. In my State of North Dakota, in 1 year, net farm income for family farmers dropped 98 percent. Anyone in this country, any neighborhood, any community, any business, would be in desperate trouble if they lost 98 percent of their income, and yet that is what has happened to our family farmers.

When historians look back at this period, they will say that this is one of the most significant farm crises that we have faced since the Great Depression. We, in fact, have Depression-era prices for grain in rural America right now. We won't have many family farmers left if this Congress doesn't extend a hand to help out when family farmers are in trouble.

Each month has brought more and more bad news for family farmers. Wheat prices have fallen an average of a 11-cent-a-month drop during this entire year. That amounts to an almost $40 million income loss each month to North Dakota farmers.

I want to read a letter from a 15-year-old high school boy who comes from a family farm. He wrote me a letter that I received in recent days.

My name is Wyatt Goettle.

Incidentally, he told us we should go ahead and use his name. Wyatt says:

I live on a farm by Donnybrook [in North Dakota], and we raise sheep, cattle, and grow crops. I'm 15 years old and I'm a sophomore at Stanley High School.

This year we rented out most of our cropland. The prices of crops this year and in past years is ridiculous. What would happen if all the farmers just quit because they couldn't even feed their families? I don't know what is going on, but somebody somewhere is making money and it isn't the farmers that put all the work into it.

Then he says this:

You know, my dad can feed 180 people, but he can't feed his own family because of the prices.

. . . Our farm is a small family farm and it's hard to keep going . . . It's hard getting back from school and working until 10:30 or 11:00 at night. Then having to get up at 6:15 the next morning just to find out that you can't put gas in the car to go to school because you can't afford it. It all goes back to the beef and grain prices.

This from a 15-year-old boy, a sophomore attending school in Stanley, ND.

Let me read an additional letter from Brian and Johnet Christianson, who wrote to me recently from Glenburn, ND. She said:

Our loan officer has told us this will be our last year of farming if we can't make our scheduled payments. We want to farm. I have a good job, and my husband has taken on a full-time job and a part-time job [off the farm] to make ends meet. That is to cover living expenses.

. . . The public keeps hearing about the family farmer, but what about the farmer's family? The wife tries to be a decision-maker with her husband to pay a bill or get disconnected; or put food on the table. The wife is there to give a smile and a hug when he comes in from the field. As a new school year is getting underway, it is the farmers' children who continue to suffer the misfortunes of the farm life. Don't get me wrong. We have chosen this life for our family, and we will fight to keep it going.

She said:

When mom offers to buy one pair of new school jeans, it is the daughter who says, "No, mommy, I don't need them because we [can't afford it], right, mommy?" As I fill out reduced or free school lunch applications, the farm has brought us $72 a month this past year. Yet people think we are rich farmers who can handle a bad year.

. . . Brian and I have a very strong marriage and we will get through this year with hope for a better tomorrow. Our children will, too. We will make it—the optimism of the farmer.

Please continue to fight for equity in grain prices for the farmer and his family.

Now, these two letters—one from a husband and wife and one from a 15-year-old boy—describe this crisis better than I can describe it. The young 15-year-old boy, a sophomore in high school, says:

My dad can feed 180 people, but can't feed his own family because of farm prices.

There is something wrong with that. One fellow sent me something that I ask unanimous consent to be able to show on the floor of the Senate. It is a handful of grain.

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

Mr. DORGAN. If I might, I will show my colleagues that this is the barley he sent to my office a couple of days ago. Then he sent a similar bag of kitty litter. This kitty litter is worth 20 cents a pound, and the barley is worth 2 cents a pound. This farmer said, "Is there something wrong here? Kitty litter is 20 cents a pound and barley 2 cents a pound. Am I missing something?"

No, he is not missing something. There is something fundamentally wrong with grain prices. There is something wrong when we say to the world and to family farmers that what they produce has no value. What they produce has no worth?

I have said this before on the floor of the Senate and we have heard it in testimony of people. Halfway around the world, old women are climbing trees in Sudan to scour for leaves to eat because they are facing starvation. A million and a half people in Sudan are starving halfway around the world. At the same moment that an old woman is climbing trees to get leaves to eat, a family farmer loads up his truck to drive to the elevator with a load of hard red spring wheat. When he gets to the elevator, he is told, "This wheat doesn't have much value; it is not worth much."

Is there a disconnection here? I think so. We produce an abundant quantity of food that the world needs, but somehow we cannot get to halfway around the world where they need it. Those who need it can't get it and those who produce it are told it has no value. If you want to talk about a disconnection of things that are really important on this Earth, that is it.

Now, we passed a new farm bill a couple years ago. I didn't vote for it. I didn't believe the farm bill was the right approach. I still don't. Like so many political promises, that farm bill had big print and it had little print. Unfortunately, as is often the case, the big print giveth and the little print taketh away.

Now, the big print promised that price supports would be set based on marketplace prices. Loan rates would therefore be 85 percent of the Olympic 5-year average of prices on the market. This promised a price cushion for family farmers. If market prices fell, there would be a cushion set at 85 percent of the Olympic 5-year average price. That was the big print.

Now here comes the little print. The little print then said that what the big print said was wrong. The little print said that while loan rates were supposed to be based on market prices, the little print put a cap on it. That is an innocuous little word, that three-letter word—"cap."

So the big print says you get 85 percent of the Olympic market average, and we are going to give you that as an opportunity to provide some kind of price support so that if the market collapses, you have something to support you. But then the little print comes back and says, "Oh, by the way, we are not going to give you what you were promised; we are going to put a cap on it; and therefore your support prices are pathetic." They never use the word "pathetic"; they put the cap on it that made it pathetic. Now we find ourselves under circumstances where we must come to the floor and say let's take the cap off the loan rate and give farmers what they were promised in the farm bill.

All we want to do is delete just a part of the little print. Our amendment would just delete a part of that little print in the farm bill. Why, you would think we were burning 85 barns down with all the commotion about this. We come and say, "Let's delete the little print that took away from farmers what the big print promised," and you would think we were burning barns down.

Holy cow, people are jumping up and down and screaming that we are going to unwind, unravel, and tear apart the farm bill. No; we are just going to make the farm bill honest. We are trying to make it do for farmers what the farm bill promised it was going to do for farmers. If making that bill honest is the wrong direction, then I guess I have lost part of the compass by which to measure these issues.

Well, let me show the second chart. It describes part of the problem that cries out for attention. The red and orange areas are counties in our State. This is the State of North Dakota, which is 10 times the size of the State of Massachusetts, just for some land mass comparisons. This whole area of the State has been declared as an agricultural disaster. One third of our counties have been declared a disaster every year for the last 5 years. That's right; every single year. Two thirds of our counties have been declared disaster areas in 3 of the last 5 years. Why? It is because of a wet cycle that came and stayed, and provided the conditions for the worst crop disease in a century. And, now we have collapsed grain prices on top of it.

Now, farmers can't make it when, year after year after year, they have recurring natural disasters. That is exactly what has happened. It is precisely why, if we are going to save the family farmers, we must take action now to deal with this issue.

One of the problems that came from these wet cycles and all of the other natural disasters is a crop disease called fusarium head blight, which is a fancy way of saying scab. Farmers know what scab means. It means money is sucked right out of their pockets by decreased grain quality and quantity. Brian Steffenson, a cereal scientist from North Dakota State University, said:

> Make no mistake about it. This is the worst plant disease epidemic that the U.S. has faced with any major crop during this century.

Our family farmers face collapsed prices, the worst crop disease of the century, disaster declarations year after year in most of the State. Yet, North Dakota, which is a rural State, is an important part of the bread basket in this country.

Let me add one additional chart which shows another part of the problem. As if this situation is not bad enough with bad prices, poor crops and crop disease there is another economic dilemma facing our farmers. When the farmer does produce a product, the farmer faces basic monopoly pricing or monopoly influences up the marketing stream.

Want to sell some beef? Well, then, show up at the packing plant and you will find that 87 percent of the beef packing is controlled by four firms. Eighty-seven percent of the cattle slaughtered in this country is controlled by four firms. How about pork? Sixty percent of pork slaughter is controlled by four firms. Fifty-five percent of broiler chicken processing is controlled by four firms. Do you have sheep to send to the market? Well, 73 percent of sheep slaughter is controlled by four companies.

Everywhere a farmer turns, as he sells his commodities up the marketing stream, he finds that it is controlled by monopolistic kinds of enterprises.

How about transportation? Take it to the railroad, and what do you find there? Competition? No. You find one railroad that says, "We will haul your wheat, and here is what we charge you. If you don't like it, tough luck. Try walking down the highway carrying your wheat to market in gunnysacks."

In North Dakota, when you want to ship your wheat from Bismark to Minneapolis, MN, the railroad charges a farmer $2,300 to ship that carload of wheat. But, if you put that carload wheat on in Minneapolis and ship it to Chicago, which is about the same distance, they don't charge $2,300. They charge $1,000. Why do we get charged more than double? Because there is only one railroad. And they say, "Here is your price. If you don't like it, tough luck." So we pay too much money for transportation.

My point is that in every direction the family farmer is confronted not by a free market but by a controlled market—controlled in someone else's interest. That is the dilemma we face.

At some point in agriculture, we reach a point of no return. The question for this Congress is whether we care enough about the future of family farmers in America to take effective action. Do we want to save family farmers? We can decide not to do that.

The best way to decide not to do much about family farming is to essentially say the farm bill passed by Congress was just fine. We can say it is all right that the big print giveth and the little print taketh away. Well, I don't think that is just fine. I think it is critically important to save family farmers.

If this country believes that food is expensive these days, they ought to try buying food once corporate agrifactories farm America from California to Maine. Then they will find out what the price of food really is. It won't be cheap food. It will be expensive food for the American consumer.

This last chart shows a cartoon from one of our newspapers. There is nothing very funny what we have been discussing. This cartoon tells the story of agriculture in our region. It shows "Family Farmers: The Point of No Returns." It describes the roadbed our farmers are traveling. That roadbed is made up of low yields, low market price, low cattle prices, high production costs, crop disease, bad weather. Our farmers have no returns on their production and now are on the point of no return.

When I talked about transportation costs earlier, I should have also mentioned that there are many other business stories of what family farmers are facing.

My colleague from Minnesota is ready to speak. He comes from the east of North Dakota, Minneapolis, MN. Did you know that if a North Dakota farmer is going to ship his or her grain on a rail bed, put it in a car and ship it on the railroad, that the same railroad that will ship a carload of wheat from Iowa all the way up through North Dakota and then to the West Coast for less? That's right shipping from Iowa up through Minneapolis, through North Dakota to the West Coast will be cheaper to than to load the grain on in North Dakota and ship it from North Dakota to the West Coast? Why? Because shipping from Iowa is a circumstance where you are shipping where there is competition at the point

from which you start to ship it. The railroad will charge more money for fewer miles to North Dakota farmers to ship that same load of grain.

My point is, it doesn't matter where you intersect this farm problem. In every single instance you will find out that there are no free markets; not in transportation, chemical prices, slaughterhouses, grain markets, you name it.

I haven't yet even mentioned the unfair trade that comes from Canada and elsewhere that undercuts our farmers' markets and further collapse farm prices. This is in addition to all of the other things I have mentioned. Right now, as I speak, somewhere up in a border port between Canada and the United States there is an 18-wheel truck driving up. And the driver is leaning out with his left elbow telling some Customs' inspector, "Yes. I have Canadian durum on the back of this truck. I have got a load of Canadian durum." He is going to drive that Canadian durum into the United States, undercutting our market, and thus taking the money right out of the pockets of American producers.

How is he going to do it? Because the grain on his truck was sent by the Canadian Wheat Board, which is a monopoly. It is a state-sponsored monopoly that would be illegal in the United States of America. The durum wheat that he is hauling is sold through the Wheat Board at secret prices, which is not something that can happen in this country, either. So we have a state monopoly from Canada selling at secret prices in this country to undercut our farmers' price. It is fundamentally unfair.

While that truck comes across today, we have trade officials who just sit on their hands. They see nothing, they do nothing and they say nothing. In fact, they ought not be there when the paychecks come out. We ought to save the money. Why have a trade office that doesn't have the energy to get up in the morning and suit up, with the notion that, "I am going to do something good"? I will have more to say about that this week.

Right now my sense is we have trade people who have an unwillingness to take action. I say get rid of them. Get rid of all of them, and do it now. I am at my wit's end with our trade officials, because they know in their hearts that all they have is this mantra of free trade. They ought to really have some cymbals on the street corner someplace and just chant all day. That is all they do is chant. They certainly don't do any effective work with this country. If they did, they would be at the borders deciding that when people come into this country unfairly to try to undercut our markets and dump in this country at secret prices that there ought to be sanctions for that. As I said, I will have more to say about our trade officials later this week.

But I am here today for a very specific reason. Between now and several weeks from now when this Congress adjourns, there isn't a more important agenda item for us to complete than to deal with the farm problem. I hope we can do it together. I hope that Republicans and Democrats coming from farm country are able to stand together and say, "We want to do something to help family farmers get over this price depression."

When prices drop and you have a price valley, we need to build a bridge across that valley. That is what this farm program this Congress passed was supposed to do. But, as I said, the promise was in the big print and the small print took that away. Shame on the small print. What we propose to do is dump the small print today and give family farmers the kind of support that is necessary to get across these price valleys.

Let me finish as I started by telling you about Brian and Johnet Christianson. This is just one farm family—one couple living on a farm—that is representative of thousands and thousands of farmers across the region. They say, "This will be the last year for us, our loan officer tells us, if we can't make scheduled payments." They ask a question. When their prices drop 57 percent and they are getting more than $2 a bushel less for their grain than it cost them to produce, how can they possibly be expected to meet their payments?

There are no better people in this country than our farm families. I am not judging who is best. But, certainly there is nobody better folks in this country than those people who went out and homesteaded the land, built themselves a house, raised a family, and operated a family farm. There are no bigger risk takers in America than those who plant the seed in the spring, and borrow some money to do it. They put everything they have, their sweat, their blood, their tears, everything they have into it. They risk everything they have every year. Then they hope that the insects don't come, it doesn't rain too much, that it rains enough, it doesn't hail, hoping their crop grows. And, when it grows, they hope that if they can harvest it and get it to the elevator, they hope among hope there is some kind of price that will give them the opportunity to make a living.

All of us know in our hearts that those folks are out there crying tears tonight because they are losing their hope and they are losing their dream of wanting to continue a family farm for themselves and their children.

We know what is happening to these people in those farm houses that Brian and Johnet talk about it. This mother says she is only able to buy her young daughter one pair of new jeans for the school year, and her daughter says, "No, no, that is all right; I know we can't afford that." We know that in those houses they hope tonight that this Congress will do the right thing.

Congress extends itself to say to everyone around the world whenever there is trouble, "We are off rushing to help." What about now, here at home on the family farm, where there is trouble? Shouldn't we begin to rush to help with some real assistance that gives these farm families the hope of surviving for another day, another year, and an opportunity to say, "I am a family farmer, I am making a decent living on the family farm, and I am proud of it." If at the end of the day, together we do what we can and should do to make things right for America's family farmers, we will give these people on our family farms the opportunity to be able to say that with dignity and pride.

I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me, first of all, thank my colleague, Senator DORGAN from North Dakota, and also Senator HARKIN from Iowa.

I think that it is not just a matter of—I think my colleague, Senator DORGAN, will agree with me—of coming to the floor and giving a speech.

This is all so real to us. It is very concrete. This is the issue.

Mr. President, I ask unanimous consent that a letter which was sent to me from Wally Sparby, who is the Minnesota State director of our Minnesota Farm Service Agency, be printed in the RECORD.

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

USDA FARM SERVICE AGENCY,
MINNESOTA STATE OFFICE,
St. Paul, MN, September 10, 1998.

Hon. PAUL WELLSTONE: During our 1998 loan season, we approved loans based on $4.00 per bushel for wheat and $2.55 to $2.75 for corn.

Now the farmers are receiving from $2.50 to $2.70 for their wheat in the market place and $1.42 to $1.52 per bushel for their corn—this just does not sustain cash flow!

1. The one thing Congress can do that will help farmers with cash flow today, more than anything else right now, is to take the caps off the loan rates!!

That will, on the average, immediately pump 60 cents a bushel into the wheat and 30 cents a bushel into the corn.

2. A Consumer Assurance Reserve should be established to provide for a plentiful food supply in the interest of National security. Store it on the farms and pay them the same rate as commercial storage!

3. Storage should have a two year rotation.

4. Extend the Marketing Loan Program to 18 months.

Senator, I'm also sending you a copy of our Minnesota State Committee deliberations from their South Dakota meeting two weeks ago.

Hope these items can be of some value to you. If I can be of further assistance, please feel free to contact me.
Sincerely,

WALLY SPARBY
MN State Executive Director, FSA.

Mr. DORGAN. Mr. President, will the Senator from Minnesota yield?

Mr. WELLSTONE. I would be pleased to yield.

Mr. DORGAN. Mr. President, I understand that the unanimous consent request I am going to ask for has been agreed to by both sides.

I ask unanimous consent that no amendments be in order to the pending Harkin amendment prior to a tabling vote.

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

Mr. DORGAN. Mr. President, if the Senator from Minnesota will yield further just for a question before he begins his address. I understand that this coming Saturday in Worthington, MN, there is to be a farm rally, which I assume the Senator will be speaking about. The rally is in his home State, but it is a rally designed to encourage farmers from a four-State area to come together to talk about and demonstrate the urgent need to stress this farm crisis. I intend to be in Worthington, MN, this Saturday with Senator WELLSTONE and others. I think it is a 9:30 a.m. farm rally. But I would expect a good many farm families will come from our four-State region to talk about their hopes and dreams and talk about especially what they hope this Congress will do to address this deep and abiding farm crisis.

Mr. WELLSTONE. Mr. President, my colleague from North Dakota is right. This gathering is not a gathering just for farmers, but it is also for small businesses, for educators, for the religious community. It is really for rural America, farmers and other citizens from the Dakotas, from Iowa, from Minnesota. It is going to be 9:30 to noon at the Nobles County Fairground grandstand. And I also say to my colleague from North Dakota, it is very important to point out to the presiding Chair and others that Republicans are invited to be a part of this gathering. This is going to be a bipartisan effort to focus the attention of the Nation on what is happening in agriculture. So it is a very, very important gathering. I think there will be a huge turnout of people, and I hope that those of us who represent the Midwest, Democrats and Republicans alike, will be there.

Mr. President, I want to read the beginning of the letter that Wally Sparby sent to me. Again, he is the director of the Minnesota State office of the USDA Farm Service Agency.

Senator WELLSTONE:

During our 1998 loan season, we approved loans based on $4 per bushel for wheat and $2.55 to $2.75 for corn. Now that farmers are receiving from $2.50 to $2.70 for their wheat in the marketplace and $1.42 to $1.52 per bushel for their corn, it just does not sustain cash flow.

And among the recommendations, the first recommendation is:

The one thing Congress can do that will help farmers with cash flow today more than anything else is to take the caps off loan rates.

That is followed by two exclamation points. I would, again, like to have this letter printed in the RECORD. I think the Chair already indicated its approval.

Mr. President, for the State of Minnesota, according to the Federal figures, net farm income fell 38 percent from 1996 to 1997. With these prices, the current farm income might fall far more than that if we do not act.

I am going to get to the figures and the statistics in a moment, but I would again like to go back to what I said to my colleague, Senator HARKIN from Iowa, at the beginning. We just now had a unanimous consent agreement that there will be no second-degree amendment, but from my point of view, as a Senator from Minnesota, I would just want to say to the majority leader, Senator LOTT, I do not think this procedure is satisfactory. I think we should be accountable. I do not think this should be a tabling motion. I think this should be an up-or-down vote.

We have a package of proposals here, which I will go over in a moment, which represent our best effort to, in a very positive way, respond to an economic convulsion that is taking place in agriculture, to respond to the economic pain of people we represent, to respond to the fact that we now have broken dreams and broken lives and broken families, and the status quo is unacceptable. There is not a one of us, Democrat or Republican, from the Midwest or from the agricultural States, who cannot and should not be out on the floor of the Senate fighting as hard as we can for our people. This is the issue, and I don't think the majority leader's proposal that we have an up or down tabling motion is satisfactory. For my own part, I do not intend for this to be the end of the debate this week. We are going to come back to this question over and over again. We must.

I think the intent that there only be 3 hours to debate this amendment marginalizes or trivializes what is a central issue in the United States of America today. I think a tabling motion as opposed to an up-or-down vote does the same thing, and we are going to have to be held accountable. One way or another, if we should not prevail today, my working assumption—I am only speaking for myself as a Senator from Minnesota—is that we will come back to this over and over again in however many weeks we have remaining. I consider it to be my mandate as a Senator from Minnesota to make this my central priority.

I do not know any other way to do it. We have so many discussions on the floor of the Senate. People are just coming —they are not even back yet. A lot of Senators will not even have an opportunity to debate this before we have a tabling motion.

Let me just say that in personal terms what this means, this depression in agriculture, these record low prices, is that family farmers, that is to say, people who work on the land, live on the land—they are not absentee investors—are not going to make it. It is just that simple. They cannot make it. So in personal terms this is devastating not just for family farmers but for our small towns, our rural communities, whether it be in Minnesota, Iowa, North Dakota or South Dakota. You name it. It is devastating, absolutely devastating.

We are always going to have somebody farming. There will be acres of land. Someone will own the land. Someone will own the animals for the livestock producers, but the health and vitality of our communities in rural America is not based upon the number of acres that are farmed or the number of farm animals. It is based upon the number of family farmers who live in those communities and contribute to our schools and buy from our local businesses and contribute to our churches or synagogues.

That is what this is all about. We are confronted with the fierce urgency of now. If we are not careful, time is going to march on, and it is going to leave all of us standing alone, standing naked. What that will really mean is that family farmers are just going to be driven off the land where they not only work but where they live.

Again, before I get to the statistics, because I want my colleagues, as I make this plea to Republicans as well, and Democrats and everybody here to understand my own position, which is going to be today if we win, great; if we do not, come back over and over and over again—from my own part I remember moving out to Minnesota to Northfield, where I was a teacher, college teacher, and I don't have an agricultural background, but my father was a Jewish immigrant who fled persecution in Russia where he was a writer. My mother was a cafeteria worker. But, Theresa and Phil—Phil Van Zuillan is no longer alive, he passed away—from Nerstrand in rural Rice County, they were the people who were my teachers when I began to do a lot of community organizing. And that is when I first began to learn about community agriculture. And my friend, Don Langer, who is no longer alive. I learned an awful lot from farmers in Rice County, crop farmers, dairy farmers, about a county 490-some square miles, population 41,000. And then I began to organize with farmers.

And then there was the mid-1980s, and all my organizing then was with

farmers. And we saw just essentially a meltdown in agriculture. We saw people driven off the land and record foreclosures—record low prices and record farm foreclosures, in that formula that goes together. I remember going to some of those foreclosures—it was awful—some of those auctions. It was awful. I remember seeing people just breaking down and crying. There were some farm families—let me not be melodramatic, but let me just say it because it is true: I remember some of the men I met, some of the farmers I met, who took their lives. They took their lives.

Mary Ryan works in our office in Willmar in West Central Minnesota, Mary and Bob Ryan—one of their friends, I say to my colleague, Senator CONRAD from North Dakota, took his life. He had been foreclosed on. That is what is going on now. We have to somehow sort of bring this to the attention of the Nation today, but today is not the end of it. If this set of proposals are tabled, this is just the beginning. This will not be the end. For me, I will tell you that as a Senator from Minnesota, it will just be the beginning. We saw this dislocation, we saw people foreclosed on. We had huge, massive rallies. We had anywhere between 10,000 and 15,000 people who marched on the State capital in Minnesota.

I do not want to go through it again, but that is exactly what is happening. My appeal to farmers in our States, and not just the farmers, but to rural America and around the country, is we are going to need you. I hope we succeed today, but if we do not succeed today I hope you will hold people accountable. We are going to need you because we are going to be back over and over again. The principal problem is low commodity prices. If I had a blackboard here and I was teaching, I would just write: Price, price, price. The price of corn in Minnesota is $1.50 a bushel, or even less at many elevators. You could be the best farmer in the world, the best manager in the world, and there is no way you can cash-flow at $1.50 a bushel. We ought to have a price of $2.70 or even $3 a bushel. Anything below $2 a bushel is a death knell for family farmers. Virtually no farmer can cash-flow at that level.

Wheat these days in Minnesota is about $2.65 per bushel. It should be $3.75 or $4. Soybeans are approximately $5 or $5.10. We would like to see that price at $6. The current prices are almost unbelievably low.

According to a letter sent by Secretary of Agriculture Dan Glickman to Minority Leader DASCHLE, corn prices nationwide are 30 percent below the average price of the last 5 years; wheat prices are 28 percent under the average price; and soybean prices are 17 percent below 5-year averages. Livestock prices are way down as well.

This is exactly what happened in the mid-1980s, and we had this massive shakeout of family farmers at that time which changed the face of rural America—and not for the better. Many communities in Minnesota and all across the heartland were devastated by what happened. And that is going to happen again. It is happening now, and we are going to see many of our rural communities destroyed on the present course. We must change that course. This amendment that we have introduced is a positive proposal to change that course.

Some in Minnesota are talking about losses to our State's economy this year of over $1 billion. Some are speaking about 20 percent plus of family farmers who are threatened. Again, this is not just for the family farmers. It is for small business people, it is for ag lenders, it is for our educational institutions, it is for our children, it is for our grandchildren, it is for our small towns, it is for our rural communities. Do you know what else? In Minnesota, it is also for the Twin Cities. We are all in the same boat. The fate of greater Minnesota and the health and vitality of greater Minnesota, or lack thereof, and health and vitality of our metropolitan area are intertwined. We are looking at an economic convulsion in rural America. Certainly that is the case in the Midwest. We are looking at broken dreams and broken lives and broken families. We have to do something.

I was at a farm crisis meeting, first in Crookston, MN, back in March, in northwestern Minnesota. My colleague, Senator CONRAD, will speak about this as well. It certainly applies to North Dakota in full force. The issue was not just low prices, but several years of bad weather and crop disease. Then I was on a farm in Granite Falls, MN, East Grand Forks and Fulda.

Next weekend, we have this rally scheduled, September 19, Saturday morning. Again, 9:30 to noon, rain or shine, Nobles County Fairgrounds grandstand, Worthington, MN, junction I-90 and highway 59. Senator HARKIN will be there. Senator DORGAN will be there. As many Republicans as possible, and Democrats, I hope will be there as well.

It is not a partisan crisis. I can tell you right now, many of these farmers who are going under are not Democrats. Many are Republicans and many are Democrats. And I don't think it makes a darned bit of difference to any of them, in terms of political party.

Mr. President, we have taken some steps this year to address the problem. But we are falling way short. We included, if Senator CONRAD remembers this, we included some additional plant loan money into the supplemental appropriations bill earlier this year. That was for spring planting loans. We were pleased to do that. It helped some. Senator CONRAD and DORGAN and DASCHLE and others—and I was pleased to be a part of that effort—put together an indemnity bill that was $500 million in disaster assistance. It is going to go way up. We are now talking about $1.5 billion of indemnity payments when we are looking at what is happening in the South as well. That is part of this amendment. That is critically important. We need to get some assistance to people, ASAP. This is a crisis, all in capital letters.

What our current amendment does is simple. I am just going to focus on two or three provisions. First thing our amendment does is it lifts the cap on the farm marketing loan rates, and it raises that loan rate. Again, the primary problem is price. What farmers say to me is: Paul, even if you get the payments out, indemnity payment, disaster assistance payments for us, what is the future for us? Comodity prices have fallen through the floor. Whatever our explanation is for the low commodity prices, there has to be some kind of safety net to help people stay in business. The single most important thing we can do is to improve prices, and the tool we have available to us is the loan rate.

The loan rate does not set the prices, it does not even set a floor under the prices. If it did, the prices would not be as low as they are currently. But the loan rate does tend to give farmers—there is not one Senator who can argue to the contrary—a bit of leverage in the marketplace. It let's them take a loan on that crop, on their crop, and hang on to the crop and wait for prices to improve—if that is their choice.

Or, and this is a critical point—I am sorry that we are at this critical point, but we are—or, when the prices fall below the loan rate, farmers can also use that loan rate as a safety net and take a check worth the difference between the loan rate and the market price on the amount of their production.

It is simple. It is simple. Unfortunately, the 1996 farm bill, which I always call the "freedom to fail" bill—when it passed, I called it that—capped those loan rates at unrealistically low levels. There were some good things in the Freedom to Farm or "freedom to fail" bill, I say to my colleagues who are now coming to the floor, but at least we have to have this modification.

For corn, the Freedom to Farm bill capped loan rates at $1.89 a bushel. Again, virtually no farmer can make it on $1.89 a bushel. It doesn't even work as a partial safety net.

What our amendment will do is lift the current cap on loan rates and raise the marketing loan rate on corn from its current $1.89 per bushel to $2.20 or $2.25. It will raise the loan rate for wheat from the current $2.58 to about $3.22. Raising the loan rate usually

tends to set a floor under prices by giving farmers some leverage in the marketplace. At a minimum, it certainly will greatly improve the safety net for our farmers.

Our proposal will also extend the repayment period on these same marketing loans to give farmers an extra 6 months to hold on to the grain and wait for a better price.

The purpose of both of these provisions is to give farmers some leverage. The Freedom to Farm bill—what I call the "freedom to fail" bill—gave farmers planting flexibility. That is great. Let me repeat it, that is great.

We were for that. But we now need to give farmers some marketing freedom to go along with the planting freedom. We need to raise the loan rate and extend the repayment on these loans along with dramatically increasing the indemnity money.

I am going to say it one more time. I have other colleagues on the floor who want to speak. Mr. President, we have come to the floor of the Senate with a set of proposals that are substantive, that are credible. The vast majority of family farmers around the country, I am positive, support the proposal to take the cap off the loan rate and get the price up to give them some leverage in the marketplace and the indemnity payments. I hope that there will be strong bipartisan support for this amendment. I hope so. If not, if this amendment should be tabled, then as far as I am concerned, the debate just begins.

I say to Senator CONRAD, who is about to speak—I am about to yield the floor—but I think he will agree with the last point I make which is, for us, am I right, I say to Senator CONRAD, this is the issue, this has to be our work, we want it to be our work? We don't want the pain to be there, but we can't go home without fighting in every possible way, using every rule available, using all of our leverage to make sure that this Senate and this Congress comes forward with positive legislation that can make a difference so that so many good, wonderful people in our States don't go under, are not ruined, are not devastated. That is what this debate is all about. I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to support the package of amendments that is before us, because agriculture in my State is in a crisis. I have previously referred to it as a stealth disaster, because it is flying below the radar screen of much of the national media. Unlike the disasters of last year that were very visual, this is hard to take a picture of, because this is a circumstance where we have collapsing prices and falling production, and the combination of the two is pressing farmers and forcing them into selling out.

I draw my colleagues' attention to a May, 1998, front-page Wall Street Journal story that examined the agricultural crisis in the heartland of America. It pointed out very clearly that on the northern plains, the new farm bill is yielding pain and upheaval, and, indeed, it is. They point out that the dramatic drop in wheat prices was already, back in May, creating desperate problems for farmers in my State, but also in the State of the Senator from Minnesota, Senator WELLSTONE, who just spoke.

This is a problem that is now recognized not just in our home areas, but across the country. Indeed, not only has the Wall Street Journal written articles on what is happening, but the New York Times. This is a story that ran in July, 1998. They point out we have a desperate crisis in agriculture. We have seen, in fact, two front-page stories in the New York Times, a front-page story in the Washington Post, all talking about the extreme conditions farmers in North Dakota are facing.

Just moments ago, the respected Farm Journal released a survey of 1,000 wheat and corn farmers. The support for changes in farm policy in that Farm Journal survey is overwhelming: 73 percent of those surveyed believe that our current farm bill does not provide adequate income; 77 percent believe Congress should modify the farm bill; 73 percent believe we should lift the caps on marketing loans; 85 percent believe we must stop the import of surplus grain from abroad; 86 percent believe the United States should reestablish the farmer-owned and controlled grain reserve. Only 40 percent of farmers surveyed believe that they will be farming in 5 years. Mr. President, only 32 percent said they would encourage their kids to farm.

This is a survey done by the Farm Journal, perhaps one of the most respected farm journals in this country. The level of support for a change in farm policy is overwhelming, and of course it should be, because what is happening is an unmitigated disaster.

This chart shows what is happening in my home State of North Dakota. North Dakota farm incomes were washed away in 1997. From 1996 to 1997, according to the Government's own records, there was a 98-percent reduction in farm income—a 98-percent reduction. By any measure, this is a calamity, and the result is that literally thousands of farmers are quitting. In fact, the Secretary of Agriculture visited North Dakota in June, 1998. When he came to visit with area producers, he was told by his own crisis response team that we might anticipate losing up to 25 or even 30 percent of the farmers in my State in the next 2 years. Mr. President, this may be a stealth disaster, but it is a disaster nonetheless, and it requires a response.

The drop in farm income is not just limited to North Dakota. In fact, we are seeing farm income drop in a majority of States. This shows the decrease in farm income from 1996 to 1997 in State after State.

You can see North Dakota, unfortunately, led the way. But not very far behind were Missouri, Maryland, New York, West Virginia, Virginia, Minnesota, Wisconsin. You can see that the heartland States in many cases were those most affected.

In 1998, this picture is even getting more serious, because we are seeing other States deeply affected, some of them by natural disaster, all of them—all of them—by collapsing prices.

Mr. President, we have to understand that this disaster is a result of really two factors: One, natural disasters in my State—overly wet conditions that have led to a dramatic loss in production because of fungus that has gotten loose in the fields. That fungus has caused dramatic crop losses. But on top of that, we have very low farm prices. In fact, we have now reached the lowest level in real terms for farm prices in our history.

This shows spring wheat prices from 1946 to 1997. You can see in 1997 already we were nearing the all-time lows for wheat prices.

Look what has happened in 1998. The bottom has fallen out. We have the lowest prices in real terms in history. In nominal terms we have the lowest prices in 21 years. The result is a collapse of income for farmers and the result is thousands of farmers being forced off the land.

I had a blowup made of some of the ads that are in the farm journals back home. Auction, auction, auction—we are absolutely being flooded with auctions all across North Dakota and Minnesota, parts of Montana and South Dakota and Wisconsin. And one of the interesting things to note is, it isn't old equipment being auctioned off. It is new equipment—1996 cultivator, 1996 swapper, 1996 disc, 1996 tractor. These are farmers who thought they were going to be around. They thought they were going to be in farming, but they are being forced off the land.

Mr. President, in North Dakota, wheat prices last week hit $2.50 a bushel—$2.50 a bushel for a commodity that takes about $5 a bushel to produce. Some have said, "Well, they just plant more and make it up in volume." It reminds me of the story of the fellow that was selling shovels. He was buying them for $20 and selling them for $16. And he was so excited because he was selling lots of them. One of his friends with a little cooler head said, "You know, it's not working out so well if you buy them for $20 and are selling them for $16. You're losing $4 on every shovel." This fellow, who was the ultimate optimist said, "I'm going to make up for it in volume." You are not

going to make up for it in volume. You are not going to make up for it in any way when you are losing $4 on every shovel you sell.

The same thing is happening on every bushel of wheat. When it costs you $5 to produce, and you are getting $2.50 at the market, you are not going to stay in business very long. That is the hard reality. That is the simple truth.

Mr. President, that is what is happening in my State and many others. Something must be done. And it must be done quickly or we are going to see an exodus from agriculture unlike any we have seen in our history.

Mr. President, it is not enough to define the problem. It is also important to look at what is causing the problem. Let me just put up a chart that shows what we did in the last farm bill.

In the last farm bill we dramatically cut support for agriculture. In the previous 5-year farm bill we averaged $10 billion a year in support for American producers. In the new farm bill, that has been cut in half—$5 billion a year for support for our agriculture producers—a dramatic reduction. In fact, this is the biggest cut in Federal spending of any part of the Federal budget.

I am someone that has been a deficit hawk the entire time I have been in the U.S. Senate. I deeply believe in balanced budgets, not because that is the thing to do, but because it makes economic sense. It takes pressure off interest rates and allows America to be more competitive and allows us to get back on track. That is exactly what has happened since we started dramatic reductions in the deficit since 1993.

Mr. President, it is important to understand that no sector of the budget has taken bigger reductions than agriculture. If we look at what our competitors are doing, we see why it puts us in a very difficult position. Because our competitors in Europe are spending much more than we are at supporting their producers.

Mr. President, I indicated that in our country we are spending $5 billion a year to support our farmers. But in Europe, they are spending nearly $50 billion a year to support their producers. This is an unfair fight. It is one thing to say to our farmers, "You go out there and compete against the French farmer and the German farmer." That is fair. It is not fair to say to our farmers, "And while you're at it, you go compete against the French Government and the German Government as well." That is not a fair fight. But that is exactly what we are telling our farmers to do. This represents unilateral disarmament in a trade war. We would never do this in a military confrontation. Why are we doing it in a trade confrontation?

Mr. President, $50 billion a year by Europe to support their producers; $5 billion a year by us to support our producers. Is it any wonder that we are losing the fight? Is it any wonder that Europe is on the march and on the move? Is it any wonder that Europe, who believes they have a strategy and a plan, believes that that strategy and plan are working?

Mr. President, we have to wake up in America. We have to understand that our competitors think we are asleep. They believe that we have been prosperous so long that we are not going to be willing to stay the fight. They believe that America is going to roll over and that they are going to be able to resume agricultural dominance.

Mr. President, if you examine the trend lines so far, they are right, because if you look at what the Europeans are doing, they have gone from being major wheat importers to being major exporters. Their share of the world grain trade has increased year after year after year. And it is time for America to decide, do we fight back or do we surrender?

I do not believe America wants to surrender. I believe America wants to fight back. Other countries want farmers out across the land, not huddled in the cities. That is the choice before us, Mr. President. Because unless we respond, unless we react, unless we help our producers in this fight, they will lose. And that will be a sad day for America. That will be a day we live to regret, because agriculture is at the heart of America's economic dominance. Make no mistake, agriculture is right at the heart of the strength of America. And if we are to surrender that position of dominance, we will rue the day we allow it to happen.

Mr. President, the last farm bill we passed dramatically reduced support. I put a chart up that showed spending per year for our farmers was cut in half. This chart shows the payments that are going out to farmers. In 1998—that is the year we are in—you can see this is the best year; this is the best year under the new farm plan, the best year. Look where it goes from here—down, down, down.

Mr. President, this cannot be allowed to stand. If you look at it from the individual producer's standpoint, here is what happens to the per bushel support that they get under the new farm plan: 1996, 1997—you can see 1998 is the second best year in terms of per bushel payments to our farmers. And then it goes down, down, down.

Again, Mr. President, we have our farmers going on a one-way escalator, and it is an escalator going down. It is an escalator leading to defeat. It is an escalator that says to our farmers, forget it, because this country is not going to stand behind you in this worldwide trade confrontation. We are going to give up. We are going to surrender. We are going to wave the white flag. We would never do that in any kind of military confrontation, and we should not be doing it in this trade confrontation.

As we look at what is before the Senate in terms of this package, we have an increase in indemnity payments. A number of weeks ago, I introduced on the floor an indemnity plan to help farmers because they are suffering from natural disasters. So many farmers in our State have had 5 years of extraordinary conditions, very bad conditions for the growing of grain, conditions that have led to this outbreak of disease, conditions that have led to a steep drop in production. We put in place crop insurance. It is supposed to be the risk manager for our farmers and help them in disastrous circumstances.

One of the things we have learned about this new program of crop insurance is that it does not work where you have multiple years of disaster. It does not work. The reason it doesn't work is because your production history and base are determined on what your last 5 years of production have been. If you have suffered disaster after disaster, your base is reduced; that determines what you get paid under crop insurance. If you have had 5 years of disaster, your base is so reduced that there is not a safety net, even though the farmers are paying for it through crop insurance premiums.

The first thing we need to do, and the Senate has already agreed, is to provide a system of indemnity payments to those who have had experienced repeated losses and suffered sharp income declines.

Those indemnity payments that we passed in the U.S. Senate were for $500 million. However, since we passed them, the losses have mounted. They have increased because of drought and disasters in Oklahoma and Louisiana. Because of other natural disasters around the country, we are seeing the income losses mount.

In this amendment we are proposing $1.5 billion. Already, the USDA tells us that to provide the same level of support we had when we passed the $500 million amendment in July, it would now take $1.1 billion today to provide the same level of assistance. We are proposing to go to $1.5 billion to cover these mounting losses with respect to an indemnity payment.

In addition, we are recommending that we lift the marketing loan rate caps, these artificial caps that were put in place in the last farm bill. On wheat, those caps are put in place at $2.58 a bushel; $2.58, when it costs about $5 a bushel to produce the product. Obviously, those marketing loan rate caps in no way cover the costs of production. The result is devastating losses to farmers' income. The result is devastating losses of farm families.

That is why we are recommending lifting those loan rate caps. No, not to

$5; no, not to $4; no, not even to $3.50; but to about $3.20. We think that is a reasonable proposal on top of the indemnity plan to get some money out across the land so farmers are not forced off their farms. Those are the two key elements of this plan: an indemnity payment plan and lifting of the marketing loan rate caps.

I have already indicated, according to the Farm Journal and their survey just released moments ago, that the overwhelming majority of farmers support lifting the marketing loan rate caps. Now, we will hear some argue that if you lift the loan rate caps, prices will increase and, therefore, production will increase, and therefore a further glut on the market will be created.

I had my staff call the Chief Economist's office at the Department of Agriculture and ask them if that scenario is plausible. They told us, no, it is not plausible due to the structure of the marketing loan program. If we lift the loan rate to $3.20 a bushel, a farmer can take out a loan for that amount. If he ultimately markets the grain for less than that, he can keep the difference. Only if he sells the grain for more than that $3.20 does he repay the entire loan amount. That is the way the marketing loan works. By the way, this is not unprecedented. We have a marketing loan in place for cotton and rice. It has worked extremely well for those commodities.

What is wrong here is that the loan rate that we have set is simply too low. It is not allowing farmers to recover sufficient income to be able to stay in business. Again, some have argued if you do this you will get more production; you will raise prices. The people at USDA, the Chief Economist's office, say that is not true. Because of the way the marketing loan rate is structured, a farmer sells for whatever the market brings. If the market is $2, he gets $2. If the market is $2.50, he gets $2.50. But he gets to keep the difference between the marketing loan rate amount and what he gets for his product in the marketplace. He only repays entirely if, in fact, he gets more in the market than the marketing loan amount. It is, in effect, a safety net. A producer sells his product at whatever he can get for it, but then he is able to keep the difference between the marketing loan rate amount and the market price.

I don't think those who argue that this is going to build stocks have studied this proposal carefully because this applies for just this year. Those who say it will lead to more production are going to have to answer the question, How is that? America has already planted and harvested its crops for this year. How is it that we will have more production when we have already produced this year's crop?

This marketing loan rate increase only applies to this crop year. How is it, we have to ask those on the other side, that this is going to lead to more production when, in fact, the production for this year is already determined? We have already planted. We have already harvested. This marketing loan rate increase is not going to increase production because there is no way to increase the production that is already in the bin. This year is a closed album.

Some say it is going to induce others to produce more. Europe has finished their crop for this year. Canada has finished their crop for this year. We have finished our crop for this year. Who is it that is going to produce more because of a marketing loan rate increase in the United States? The Chief Economist for the United States Agriculture Department says it is not going to induce a price increase anywhere.

The fact is, this is a way of getting financial assistance to farmers who are in a disastrous condition now. What are the alternatives? If somebody else has a better idea, another alternative, I am glad to listen to it. But right here, right now, we have what the farmers are calling for. What the farmers are calling for is to take away these artificial loan rate limits and give farmers a fighting chance against this incredible international competition, where our chief competitors are spending ten times as much as we are in order to support their farmers. I have indicated that Europe is spending nearly $50 billion a year to support their producers and we are spending $5 billion.

In support of exports, the margin is even more dramatic. In 1997, we spent $56 million supporting agricultural exports; Europe spent nearly $8 billion. This was a ratio of about 138-to-1. Now, I defy my colleagues to explain how it is we win a fight when our side is being outspent 138-to-1. How is it that you have any chance of winning when the other side is outspending you 138-to-1?

Mr. President, I hope very much that my colleagues will move to support this amendment, that the attempt to table this amendment will fail, and that together Republicans and Democrats will decide to back our producers, support our farmers, to say to our chief competitors, the Europeans: "You are not going to buy these markets. America is not going to wave the white flag of surrender, because this country deserves better." It would be a profound mistake to let 20 or 30 percent of our farmers be washed away because other countries have put a higher value on their producers.

Mr. President, I hope very much in the coming hours that people will reflect very carefully on the vote that we are to cast, that they will understand that we are in a trade confrontation, that our chief competitors are outspending us 10-to-1 in terms of overall support for producers. In exports, they are outspending us 100-to-1. Now is the time to respond, fight back, and the time for America to say that we are not going to allow our competitors to put our farmers under because our country is not willing to stand behind its producers.

Mr. President, this will be a defining moment for this year. This will be a defining moment on the floor of the U.S. Senate when we vote on this amendment. I hope very much, on a bipartisan basis, that our colleagues will stand behind our farmers and our farm families and not allow them to be pushed off the land, to be forced into the cities, and to be left with a very hollow legacy.

I just want to close by saying I just had a farmer call me, whose family has been on the land for over 100 years. They are farmers in the Red River Valley of North Dakota, which is some of the richest farmland in the world. He told me, with tears, that this was the last year for him and his family, that they could not go forward any longer, that it was not possible for them to survive this collection of natural disasters and disastrously low farm prices.

Mr. President, the person that made that call to me is somebody who is recognized in our State as one of our very best farmers. He has won award after award. This is not a case of bad management. This is not a case of people who are spending money foolishly. This is a case of people who have worked hard and committed themselves fully. In fact, in this family, both the man and wife have off-farm jobs as well as full-time farm work. And every member of that family has made a commitment to farm this year. But because of these disastrous conditions, they have said this is their last year.

Mr. President, America will be stronger if that family stays on the farm. America will be better if that family stays on the farm. But it will not happen unless we are willing to help them fight. It will not happen unless we are willing to stand shoulder-to-shoulder with that farm family to give them a fighting chance. It will not happen unless we recognize that we are in a trade confrontation and that we have sent our farmers very lightly armed into a battle in which the competition is heavily armed.

I have spent many hours meeting with European agricultural leaders. It is clear to me that they have a plan and they have a strategy. Their plan and strategy is to regain agricultural dominance worldwide. I hope we don't show the white flag of surrender and give in to our competitors and walk away from this fight. We ought to say today that America is standing by its producers and we intend to fight and we intend to win.

I yield the floor.

Mr. JOHNSON addressed the Chair.

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

Mr. JOHNSON. Madam President, I commend my colleagues, Senator DASCHLE, Senator HARKIN, Senator DORGAN, Senator CONRAD, Senator WELLSTONE, and others who have devoted a great amount of time, energy, and talent to crafting this amendment. I rise in strong support of this comprehensive farm relief package being debated on the Senate floor today.

Madam President, I have been in communication with my home State just this morning. Local cash prices for corn now, as we are approaching harvest, have collapsed to a new record low. Cash corn in Winner, SD, is bringing $1.10 per bushel today as we speak. Wheat prices have collapsed to $1.70 per bushel. Land values across my State are beginning to falter. In a communication with a farmer near the Aberdeen, SD, area today, I am apprised of land values that have been valued at $800 an acre bringing only $400 an acre in actual sale this week.

This has a rippling effect. As I talk to farm implement dealers, those providing feed, chemical dealers, veterinarians, mechanics, and all the people who prosper when farmers and ranchers in our Nation prosper, they say we need now, more than ever, not only comprehensive legislation, but urgent legislation, to deal in a constructive fashion with the crisis we face in farm country.

Now, Senator CONRAD, I think, made an excellent point in pointing out how the European Community is spending roughly $50 billion per year sustaining family agriculture in the E.C. In the United States, where only 10 or 12 years ago we were spending $26 billion ourselves, we are now down to $5 billion, and we are headed to zero, to the point where we sustain family agriculture, in the greatest food-producing mechanism the world has ever known, with far less than one-half percent of the Federal budget.

Is there a reason our European friends sustain their family agriculture at such a high level? Well, yes, there is. The reason is obvious. In Europe, they have been hungry a couple of times in this century. They know the dilemma that every society faces when agriculture is on its knees, when people are leaving the farm, when food production is inadequate. They value highly the reliability and sustainability and high quality of agriculture in their part of the world.

We in the United States, I am afraid, have grown complacent with the thought that somehow, no matter what we do, fields will be planted and the livestock will be raised, the food will remain inexpensive at the grocery mart, even while we destroy the roots of our agricultural production in this country. I fear that we are going to reach the point some day when we are going to have an experience something similar to what the former Soviet Union found when they destroyed family agriculture, thinking that they could find a new, more efficient way of growing food, only to find the results catastrophic for their society.

Now Russia is trying to reestablish family agriculture. But guess what? Once family agriculture has been pulled up by the roots, it is not so easily reestablished. It is very difficult to do. I fear that indirectly we are going down some of that same road of the destruction of family-based agriculture in this country.

I appreciate that there are some who have such a commitment to the current farm bill that it borders on a theological commitment that nothing could be changed in that farm bill. There is much in the Freedom to Farm legislation that is constructive. And it is positive. I think most of us applaud the flexibility and the lessened degree of micromanagement that came with that farm bill. Yet, at the same time, I think there is a growing recognition that all is not well. In fact, portions of the farm bill need a desperate and urgent revisit.

We understand that with the collapse of prices that we have now that we need to give farmers a better opportunity to weather these down cycles, both in the grain side, in the farm bill's case, and in terms of livestock production.

For the past few months, I have joined my farm State Democratic colleagues in working on ways to improve economic conditions for farmers and ranchers. As you may remember, during this year's Agriculture appropriations bill, we introduced legislation to assist farmers. We offered amendments which would lift the caps on marketing loans for grain farmers, provide disaster assistance for farmers who suffered losses, provide for mandatory price reporting for livestock sales, and the labeling of imported beef and lamb products.

We were successful to some degree with those amendments. We passed three of those proposals through this Senate: a $500 million disaster relief assistance package for farmers, a pilot project for mandatory price reporting on captive supplies of live cattle and boxed beef, and an amendment which I offered that will label beef and lamb products for country of origin. However, now that we have gone through the August recess, we are into September, and we still have to convince the House conferees of the importance of these proposals.

So we are back today because the economy in farm country and ranch country is getting, frankly, desperate. Since July, prices for cattle and crops have fallen further, and it seems at this point that there is almost no end in sight.

My recent conversations with farmers and ranchers across my State have been alarming. Ranchers have been selling off their cattle herds. Farmers are applying for off-farm jobs in preparation of losing their farms. And farm-related businesses are laying off employees. Implement dealers are laying off mechanics. Sale barns and veterinarians are laying off their hired help as well.

The ripple effect of this economic crisis has already hurt farmers and ranchers. But it is moving now quickly into our rural communities—and not just the small communities but the larger cities and towns as well.

With that, my farm State colleagues and I are offering this farm relief legislation—this amendment. This legislation is crucially needed if we are going to improve, if we are going to step in the right direction with our farm economy.

The first measure included in this package lifts the caps on marketing loans and extends the terms from 9 to 15 months. Again, we voted on this very same amendment earlier on on this Senate floor. We were defeated on a party-line vote at that time. But this amendment is the best way to provide farmers with an immediate economic impact for the grain products they produce.

It would amend the Agriculture Marketing Transition Act—Freedom to Farm. As many of us know, it gives the President of the United States the authority to declare a state of emergency for producers affected for 1 year, removing the current loan rate caps, and extending the loan period from 9 to 15 months.

Wheat would have the cap increased from the current $2.58 to $3.22, up 64 cents per bushel; corn from $1.89, the current cap, to $2.25, up 36 cents per bushel; and soybeans from $5.26 to $5.33, up 7 cents per bushel.

This would build on the existing marketing loan that is in the current farm bill. This is not a revolutionary departure from the current farm bill. It simply extends and expands the caps to a point where they become meaningful.

The Freedom to Farm, touted in the 1996 farm bill, did deliver the planting and management flexibility to farmers who are able to take advantage of that flexibility, but it failed to deliver freedom for farmers to market in a flexible manner and at a profitable manner. When the farm bill passed, wheat prices stood at nearly $6. Now, in some cases, it is down to $1.70. When the farm bill passed, corn was $5. Now it is $1.10 in some places.

The financial progress and future viability of our farm and ranch operations depends on the profits that can be gained from our agricultural products. I think all of us support short-term disaster relief. And that is part of our

package, too. But the long-term underlying challenge that we have is to create an environment in which the attendant market prices can be gained. Our farmers want, in the long run, to have a decent price for their products. They are not looking for government checks. They are not looking to go back to the old days of $26 billion a year in the farm program expenditures, although even that is only around half of what the European Community is spending today. But they want an environment where profitability is at least possible.

When cash flow projections were developed last fall by farmers and creditors, better commodity prices were relied upon than what we see today. Keeping in mind the incredible, terrible prices that the farmers are now seeing, it is likely that we will see increased loan delinquencies and default rates in the coming months. So while producers are now essentially receiving prices comparable to what they received in the 1940s, their input and production costs reflect the modern-day realities of the 1990s.

How many of us could make a decent living on 1940s wages and 1990s costs? We could not, and neither can the farmers nor the ranchers. So we are witnessing another devastating bout of farmers and ranchers going out of business.

Second, this package will provide short-term disaster assistance. It will provide funding for income losses to farmers in the Dakotas, Texas, Oklahoma, and Louisiana—all of the hard-hit rural areas of our Nation.

We successfully passed a $500 million proposal as part of the coming fiscal year's Agriculture appropriations debate. But it is still tied up in conference and it doesn't take into account the recent disasters we have had in Texas, Oklahoma and Louisiana, the devastating drought circumstances that currently exist there.

Third, this package would provide for emergency storage payments. It provides for commodities placed under the marketing loans. It will allow farmers to store their grains during these low price cycles so they will be able to market them with an eye toward more profitability over a longer window every time.

It would provide for mandatory price reporting creating a 3-year pilot program that requires meat packers to report prices on live cattle and boxed beef; allows the Secretary of Agriculture to define and prohibit anticompetitive practices. It strengthens the 1921 Packers and Stockyards Act; provides whistle-blower protection for smaller producers who speak out against captive supplies from business discrimination in the livestock industry; and, it would create a commission to study credit availability to determine if current lending practices on the part of the Federal Government contribute to the growing problem of concentration in agriculture. Lastly, and importantly to me, it would again reinvestigate the issue of labeling beef and lamb meat products.

The Meat Labeling Act of 1998 was unanimously approved by the Senate during its deliberations of the 1999 Agriculture appropriations bill. The House, however, did not include it in its version of its Agriculture appropriations bill. Currently, we are tied up in conference.

Again, this is commonsense legislation. We label virtually every product Americans purchase, whether it be T-shirts, auto parts, shoes, whatever. The one thing that is not labeled by country of origin is the food products we feed our families.

This has the support of the National Cattlemen's Beef Association, the National Farmers Union, the American Farm Bureau Federation, and the American Sheep Industry Association. It has broad bipartisan support, and I am proud that the original Senate bill had the support of eight Republicans and nine Democratic Senators.

Our livestock producers across this country have invested heavily in approved genetics, in marketing efforts, and in food safety in order to provide the best quality and safest food in the world to American consumers. But all too often they don't gain the benefit of those investments.

With the Canadian producers sending over half their beef production into the United States today, I believe more than ever the time is ripe for American consumers to at least have the ability to judge for themselves whether or not they wish to buy a foreign product. They may choose to do so. That is their prerogative. There is nothing in the food labeling amendment that would prohibit imported meat products into the United States, but it would put us on par with what other countries in the world are doing. The European Community is going to be mandating country of origin food labeling by the year 2000 for all of their nations. Most other major consuming nations in the world also apply country of origin labeling to food as well as to other consumer products.

This legislation, in short, is more than simply help for our livestock producers. It is endorsed by the National Consumers League, the Nation's oldest consumer organization. Once again, American consumers have a right to know the source of the food products they feed their families.

Madam President, this particular effort is not anti free trade; it is common sense. I know there are some who say, on the one hand, that Americans may choose a foreign meat product. If they do so, that certainly is their prerogative. There are others who say no, Americans will choose American meat products. If they do so, again, it is their prerogative. There are those who are concerned that other nations will label country of origin on their food products. They already have. But even so, I have enough confidence, and obviously the American agricultural organizations, the key organizations that are in support of this amendment have equal confidence, that if any nation anywhere in the world wishes a stamp "Made in USA" on an American meat product, more power to them. We have confidence in our product. We think we can market with the country of origin label right now.

Currently, Argentina, Australia, Bosnia, Brazil, Canada, Chile, Colombia, Costa Rica, the Czech Republic, the Dominican Republic, Egypt, El Salvador, Estonia, Guatemala, Honduras, Hungary, Indonesia, Israel, Korea, Latvia, Malaysia, Mexico, Philippines, Russia, Switzerland, Thailand, Turkey, United Arab Emirates, and Venezuela have some sort of meat labeling, with the E.C. soon to follow comprehensively by the year 2000.

I have been meeting with Secretary Glickman as well as with Senator LARRY CRAIG of Idaho, Senator CONRAD BURNS of Montana, Senator MAX BAUCUS of Montana, and Senator BYRON DORGAN of North Dakota to discuss the importance of this legislation to our farmers and ranchers as well as our consumers. I am pleased that Secretary Glickman has exhibited his willingness to work with us on this legislation to make country of origin meat labeling a reality.

With these steps in the right direction, I do not believe that we will have resolved all of the crises that we have in American agriculture, but it will go a long way toward addressing both the short- and the long-term problems we face. We need, obviously, to address trade issues, we need to address rural development issues, ag research—all of them go together—if we are going to have the kind of comprehensive strategy that is necessary to maintain a strong rural America and an underlying strong level of support for a qualitative and abundant food supply for this Nation.

At this time, there is no other package that comes as close as this does to addressing the urgent crises that we have in American agriculture. So I enthusiastically rise in support of this amendment and again commend ranking member HARKIN for his tremendous leadership, as well as Senator DASCHLE for his work in making this amendment a reality. This is an opportunity to address this crisis. We are running out of time. We have 5 to 6 weeks remaining of this Congress. There are farmers and ranchers leaving the land as we speak. There are small businesses going broke as we speak. There is no time to wait. We need to move now on this legislation and get this to the President's desk as quickly as possible.

I yield the floor.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Madam President, I thank the Senator from South Dakota for his contribution not only to this debate but his contribution to overall agriculture legislation which he has worked on for so many years, first as a Member of the House and now the Senate. I know of his deep commitment to family farmers and to doing whatever we can this fall to stop the crisis in agriculture. I know it is hitting the State of South Dakota every bit as hard as it is hitting Iowa and other States in the Midwest. So I listened carefully to what the Senator from South Dakota had to say, and he is right on the mark.

Madam President, we cannot really afford to dally around any longer. We have to take action, and we have to take action now, or it is going to cost us a lot more later on.

There are two things I would like to have printed in the RECORD. One is a letter dated September 10 from Secretary of Agriculture Glickman supporting the package of amendments we are considering in the Chamber right now. I ask unanimous consent this letter be printed in full in the RECORD.

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

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, September 10, 1998.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR TOM: I am writing in support of the Daschle-Harkin Agriculture Relief amendments to address the crisis faced by American farmers. This is an important set of actions that will help respond to the deteriorating economic conditions that have placed enormous burdens on our nation's agricultural community.

Our farmers are faced with problems unequaled in years: Corn prices are 30% below the average of the past five years; Wheat prices are 28% under the average level of the past five years; Soybean prices are under the five year average by 16%; Cattle prices are 17% under the 5 year average; Net cash farm income projects will be 43% below the average of the past five years; and as a result of these and other price declines: many of our farm families are facing dire circumstances; farm land values are declining, farmers are increasingly facing cash flow problems, and they are being told they might not get credit for their 1999 crops.

When the President signed the 1996 Farm Bill, he said we must do more to restore the safety net for American farmers. In July, in response to this crisis, the President announced measures to ease farmers' difficulties, including the purchase of up to 80 million bushels of wheat worth approximately $250 million for humanitarian shipment abroad, and he supported the Conrad-Dorgan amendment for disaster assistance that was added to the agricultural appropriations bill.

Since then, because crop prices have continued to plummet, with no immediate sign that the trend will be reversed, we must do even more. Therefore, the Administration supports the Daschle-Harkin amendment to the Interior appropriations bill that would remove the cap on marketing loan rates for one year.

We look forward to working with you to assist the nation's farmers who have been so severely affected by these circumstances.

With best personal regards, I am

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. HARKIN. Secondly, Madam President, I learned this morning of a poll that had been taken, and the poll has just been released. I believe it was released at 2:30 this afternoon, so the paper is still hot, just off the press. It is quite a startling poll when you look at the results. I am going to talk about that. The poll was prepared by Rockwood Research, a subsidiary of Farm Journal, Inc. It was prepared for the Nebraska Wheat Growers Association, the American Corn Growers Association, and the Nebraska Farmers Union.

I just want to say what the method was here. The method was that representative data was drawn from 1,000 wheat and corn growers throughout the United States. They have here a table of how many were contacted in each State. For example, in the State of Illinois, 55 corn growers and 33 wheat growers, for a total of 88, were contacted; in Idaho, 1 corn grower, 12 wheat growers, a total of 13; in Iowa, 72 corn growers, no wheat growers; in Kansas, 9 corn growers, 72 wheat growers, et cetera. All over the United States, from every State, from Alabama to Wyoming, farmers were contacted on this poll—500 corn growers and 500 wheat growers, calls made randomly. I will not go through all the questions, but I would like to highlight just a couple.

Question No. 7: "Congress should modify the current farm program?" Yes or no. Seventy-six point nine percent said yes, 17.7 percent said no.

Question No. 8: "Congress should lift loan caps and raise loan rates 59 cents per bushel on wheat and 32 cents on corn." That is what is in the package of amendments in the Chamber right now. And 72.5 said yes, 19.4 percent said no.

Overwhelming, 3 to 1—actually over 3 to 1—said that we have to raise the loan rates, we have to modify the farm program, and we ought to lift the caps.

There are a couple of other findings in this poll, one here that I found very illuminating. Question No. 13: "A farm program should retain planting flexibility and include a farmer-owned and farmer-controlled grain reserve?" Eighty-five point nine percent, yes; 9.9 percent, no. Think about it. Planting flexibility with a farmer-owned and farmer-controlled grain reserve—almost 86 percent of the farmers polled said yes. There is no question about that.

Well, that is what is in the package of amendments before us. We have planting flexibility, we provide standby authority for the Secretary of Agriculture to provide for storage payments to farmers, and then lifting the caps from the loan rates would give the farmer marketing flexibility, that ability to keep his own grain and market it as he wants to over the next several months. Eighty-six percent of those polled said yes, they were in favor of that.

Madam President, I am going to put a copy of this poll on every Senator's desk, and I hope that each Senator will read this poll very carefully before a vote is taken on our package of amendments. I understand there is going to be a motion to table. I am just hopeful that every Senator will take a look at these poll results and see what the farmers are saying. This is not my poll. It is not a skewed poll. The poll was done by a reputable polling firm. One thousand farmers polled, random sampling. It is not even close—it is not even close—about whether farmers want to raise the loan rates or not. It is overwhelmingly positive to get the loan rates raised and to provide for a farmer-owned reserve so that farmers can market their own grain.

Madam President, I ask unanimous consent to print the results of this poll in the RECORD.

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

U.S. FARM BILL STUDY

(Prepared by: Rockwood Research, a subsidiary of Farm Journal, Inc.)

(Prepared for Nebraska Wheat Growers Association, American Corn Growers Association, and Nebraska Farmers Union)

BACKGROUND

The "Freedom to Farm" bill was intended to give farmers financial stability despite the fluctuating market. Nebraska Wheat Growers Association, along with American Corn Growers Association and Nebraska and National Farmers Union, are concerned that the bill is not effective considering the current U.S. economic position. This study investigates the attitudes of U.S. farmers in regards to the current and future economic climate associated with the farm bill.

PURPOSE

To identify farmers' attitudes concerning the current U.S. farm economy and farm program. Results will be used to influence future U.S. economic policy.

OBJECTIVES

To identify growers' attitudes concerning current U.S. farm policies.

To measure the need for U.S. farm policy reform.

METHOD

Representative data was drawn from 1000 wheat and corn growers throughout the United States. The sample was drawn from FARMAIL, a database of Farm Journal, Inc. Respondents raised a minimum of 100 acres of wheat or corn. All interviews were conducted at Rockwood Research Corporation's interviewing facilities in River Falls, WI and Webster City, IA. Professionally trained agricultural interviewers conducted the survey between September 4 and September 10, 1998.

The collected data were edited, processed and tabulated in Rockwood's in-house data processing department. Numbers have been weighted to accurately represent the number of growers per state.

SAMPLE DISTRIBUTION

The sample was drawn from 500 corn growers and 500 wheat growers in the United States. Calls were randomly made throughout the United States resulting in the below distribution:

State	Corn Growers	Wheat Growers	Total
Alabama	5	0	5
Arkansas	1	8	9
California	2	4	6
Colorado	4	11	15
Florida	2	0	2
Georgia	8	0	8
Idaho	1	12	13
Illinois	55	33	88
Indiana	37	25	62
Iowa	72	0	72
Kansas	9	72	81
Kentucky	17	0	17
Louisiana	1	0	1
Maryland	5	5	10
Michigan	19	24	43
Minnesota	42	25	67
Mississippi	3	2	5
Missouri	21	0	21
Montana	0	17	17
Nebraska	29	25	54
New Jersey	1	0	1
New Mexico	0	2	2
New York	10	0	10
North Carolina	13	13	26
North Dakota	0	45	45
Ohio	37	47	84
Oklahoma	0	33	33
Oregon	0	6	6
Pennsylvania	21	15	36
South Carolina	4	0	4
South Dakota	16	24	40
Tennessee	9	0	9
Texas	7	29	36
Utah	1	2	3
Vermont	1	0	1
Virginia	6	7	13
Washington	1	10	11
West Virginia	1	0	1
Wisconsin	36	0	36
Wyoming	0	1	1
Total	500	500	1,000

Note: Numbers are weighted to accurately represent the number of growers per state.

Question	A	D	DK		A	D
3. Large agribusiness concentration in agriculture markets causes lower ag commodity prices	65.1	25.8	9.1		71.6	28.4
4. The current farm bill provides an adequate income safety net to protect farm income during years of low commodity prices	23.9	72.8	3.4		24.7	75.3
5. At today's prices, I see myself farming five years from now	39.8	55.1	5.1		41.9	58.1
6. I would encourage my children to enter farming	32.0	61.5	6.5		34.2	65.8
7. Congress should modify the current farm program	76.9	17.7	5.4		81.3	18.7
8. Congress should lift loan caps and raise loan rates 59 cents per bushel on wheat and 32 cents on corn	72.5	19.4	8.1		78.9	21.1
9. US agriculture has the ability to produce more total farm goods than can be sold at profitable levels	73.8	18.6	7.6		79.8	20.2
10. A farm program should reduce production in exchange for increased income safety net support	56.3	37.3	6.4		60.2	39.8
11. See below.						
12. A farm program should retain planting flexibility and include normal crop acreage set-asides	74.4	20.2	5.3		78.6	21.4
13. A farm program should retain planting flexibility and include a farmer-owned and farmer-controlled grain reserve	85.9	9.9	4.2		89.7	10.3
14. The US government should stop the importation of grains into the US market that are in surplus or abundant supply, such as Canadian Wheat	85.0	13.2	1.9		86.6	13.4
15. The US should not export its farm commodities at prices below the cost of production	57.2	38.5	4.3		59.7	40.3
16. The Conservation Reserve Program (CRP) should be expanded	61.5	31.8	6.7		65.9	34.1
17. I expect my banker to continue to provide me with necessary operating loans under the same loan provisions as he extended me in the past	76.7	13.7	9.6		84.8	15.2
	GF	LF	B	DK	GF	LF	B
18. Are you primarily a grain farmer or livestock feeder?	56.7 05%	14.9 010%	27.9 015%	0.4 0AA	56.9	15.0	28.9
				0DK			
11. How much cutback in production is acceptable?	8.6	13.9	5.6	51.7	20.1	(Don't knows included)	
	10.8	17.4	7.0	64.8	(Don't knows not included)		

Mr. HARKIN. Madam President, I heard some talk around here that some on the other side of the aisle are talking about coming up with a new program called lost market compensation payments, or something like that. So, as I understand it, it would just be a set rate of payments. They are going to come up with money and give it out to farmers like another AMTA payment.

So what is the difference between that and taking the caps off the loan rates? A big difference. Keep in mind, if we have a direct payment, if you just give the money out to farmers this fall, and if the prices go up next year—which we all hope they do—the Government is out that money. If we have an increased loan rate and farmers can take that loan and pay their bills, and if the prices go up next year over 15 months—because that is what we put in the legislation, a 15-month loan—if, over the next 15 months, the prices go up, farmers can sell their grain, pay the loan back to the Government with interest, and, therefore, the Government would not necessarily be out all that money. The income protection is there, but if prices rise the Government will not bear as much cost.

As I understand it the idea is to come up with this lost market compensation payment—it certainly sounds fancy to me—to pay out some amount of money regardless of what prices may do over the course of the marketing year. The loan rate approach is responsive to changes in market prices and the need for farm income protection. Again, keep in mind, if the money just goes out in direct AMTA-type payments and the price goes up next year, the Government is out that money. You do not get that money back.

Second, if you make that direct payment to farmers, a lot of that direct payment will not go to farmers. Like the AMTA payment, it will go to landowners, it will go to landlords, and it may go to a number of people who will not even be farming next year. I heard that concern a lot in Iowa. In July we passed a bill to allow up-front payment of AMTA payments, we brought up next year's payment to this fall. There are going to be a number of cases where people who took that early AMTA payment are not around to be farming next year, and the person who is farming the land next year will get nothing. Lifting the caps from the marketing loan rates goes to benefit the farmer. It goes to that producer out there who really needs the income protection this fall and over the next 12 to 15 months.

The next point to keep in mind, and the difference between raising the loan rates and the new AMTA-type payments, is that with increasing the loan rate, even though it is a marketing loan, we believe it will provide some price stability. It will help farmers conduct more orderly marketing of commodities and help to lessen the erosion of prices because farmers will not be under such pressure to sell. A direct payment out will not have this effect. And it will mean that farmers this fall without an adequate loan rate will have less of an opportunity to avoid just having to dump their grain on the market for whatever they get. So a marketing loan at a better level, particularly along with some storage payments, can head off a lot of problems. Without them we are likely to have more grain sitting on the siding, grain dumped on the ground and more of it rotting out there because we do not have the railcars to move it all at once.

So any way you cut it, any way you want to look at it, lifting the loan rate caps makes sense. From the standpoint of how much we are asking the taxpayers to bear the burden, who is going to receive the help—whether it is farmers or landlords—and whether we are going to do something to stop the downward trend of prices, any way you look at it, removing the caps on loan rates and providing standby authority for storage payments is in our best interest.

Finally, there are those who might say if you raise the loan rates, you are going to cut us out of foreign markets. What nonsense. Keep in mind that these are marketing loans we are addressing today. They do not price the U.S. out of markets. And, in any event, I have often wondered what good does it do if a farmer has to sell a bushel of grain for 10 cents a bushel because that is the only way to export the grain? By that reasoning we will drive all our

farmers out of business. Taking the cap off of loan rates will help farmers stay in business to produce the grain we are going to need to be a reliable and adequate supplier for the world market, and it will help our farmers and not just those who may happen to own land.

Madam President, we are, right now, on the verge of losing thousands and thousands more farmers, mainly young farmers, a lot of them who have a heavy debt load who are paying it off, trying to get a foothold in agriculture. They are smart. They are aggressive. They are good managers. But they are being driven out of agriculture by forces beyond their control. Now our efforts to improve the farm bill to help them seems blocked by an ideological devotion to every aspect of the present farm bill. I don't mind. I know people have ideologies and they believe certain things and they enact them into law. That is fine. It happens all the time. But at some point, practicality has to rule. However good the so-called Freedom to Farm was for the last couple of years because we had good export markets, it is not working now to address this crisis. If it is not working, change it. Are we so rigid, are we so cast in stone that because we passed a bill a couple of years ago we can't do anything about that?

Yes, we can. The farm bill is not the Ten Commandments. Improving it doesn't require a constitutional amendment. It just requires 51 votes; that is all, just 51 votes. As I said earlier, when you look at those poll results, when you see more than a three-to-one ratio of farmers saying we ought to raise the loan rates, then you know that we ought to be doing it to help them survive this crisis.

Madam President, over the weekend, farmers, bankers and others with real knowledge of the farm economic situation told me that by next February, March, and April, we will likely have many farmers in this country going to the banks to get their loans for planting and being told by the bankers who look at their balance sheets, "I am sorry, you simply do not qualify."

I also point out that we have a lot of farmers with Government-backed loans who are making it now; they are farming. But what is going to happen next spring if they can't make it and they can't get the money to put in another crop? What is going to happen to all the Government-backed loans that we have out to farmers?

Again, we have to act, and we have to act soon. We cannot wait until next February, March, or April. It will be too late. The one thing I heard loudly and clearly this weekend in my State of Iowa was that if Congress doesn't do something before we adjourn, we might as well not do anything at all next year. That came through loudly and clearly.

Another message that came through loudly and clearly is that we don't need another direct payment going out in a lump sum because the benefit of those payments flows so heavily to landowners, and the farmer got precious little.

I had a number of farmers tell me this weekend that some of those advanced payments that we gave, or are sending out this fall, a number of those people getting those payments won't even be farming next year—won't even be farming. So we are giving them a farm payment that would have gone next year to farmers, and they are not even farming, but they are going to get the payment this fall. That doesn't sound like a very wise policy to me.

The wisest thing for us to do is what has proven to be effective and what farmers know is effective and the poll results show: Lift the caps on marketing loan rates, extend the period to 15 months, provide the Secretary of Agriculture the authority to make storage payments and increase the amount of indemnity payments we are going to make. The amount we passed in July is not sufficient. Do those things, and then we can really help farm families to survive, we can save our economy, and remain competitive in world markets.

Madam President, I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. What is the current business?

The PRESIDING OFFICER. The pending question is the Harkin amendment No. 3580, which is a first-degree amendment to S. 2237, the Interior appropriations bill for fiscal year 1999.

Mr. THOMAS. Thank you. Madam President, I am going to speak a few minutes on the amendment and, in particular, on the farmers' and ranchers' situation.

Madam President, almost all of us have farmers and ranchers in our areas. Certainly in Wyoming, agriculture is one of the three economic interests that we have, most of us do, so all of us are concerned about agriculture. And we are in a time when agriculture needs, indeed, are our concern, and more than our concern, it needs some action. Many of us have been working for some time to find some areas in which agriculture can be strengthened, in which agriculture can be helped and assisted through a very hard time.

I have listened this afternoon to several Senators representing their constituents and talking about agriculture. Each of them has represented a point of view, and that is basically to seek to return to the farm program time, and that is the issue here. I don't think there will be a soul in this place who doesn't want to assist agriculture. There won't be anyone in this Senate who doesn't think we ought to do something to strengthen this segment of our economy, but there is a division of view as to whether we seek to do some things to help make the transition from agriculture, as we have known it over the years—with acreage limitations, with farm subsidies and those kinds of things—to a market enterprise which we are now seeking to do.

Our real challenge is to assist in continuing to move toward market agriculture which, at least in the State I represent, is the predominant view. People know that long-term agriculture will be stronger. Agriculture will be better. Our production will be more efficient in a market economy. What we are really talking about is how can we best do this, how can we best help agriculture, how can we best pull through this kind of a situation, and at the same time continue to help agriculture move to a market economy.

Some have spoken about their contacts over the last week and, indeed, over the last month. I spent August in Wyoming talking with farmers and ranchers about it. Interestingly enough, we have three economic areas, basically, in my State: One is agriculture; one is mineral extraction; and one is visitation and tourism. Frankly, agriculture and minerals are both in tough shape. Oil, for example, is the cheapest it has been in history, I think. So we do have some concerns.

Let me talk to you about some of the things that agricultural producers said to me in terms of long-term recommendations.

One is consumer demand. For instance, in the beef industry, we need to strengthen consumer demand. Certainly what has happened in Asia has an impact on agriculture, particularly on exports. Some 40 percent of agricultural production goes into exports.

Meat labeling, which we are moving toward doing—we need meat labeling so we know the origin of meat, whether it is imported, whether it is domestic, so buyers can make a choice.

In my State, we have other kinds of things. Fifty percent of our State belongs to the Federal Government and is Federal lands. We have a good deal of problems with animal damage control, with predators and these kinds of things. These are also some of the issues.

The idea that you simply try to go back to a controlled farming program is not a solution to all of agriculture. I understand the Senator from Iowa is concerned about the basic crops—wheat and corn and grains. That is a farm program kind of a thing.

The agricultural problem is not confined only to those commodities. I am told, with the market, in rural areas, they are talking about fast track, for example, doing something about increasing markets in South America,

doing something about increasing markets in Asia to strengthen access, increase consumer demand. These are the things that were told to me by agriculturists who want to do things that will be of long-term benefit.

We need to talk about control programs for grasshoppers. We haven't done as well. We are not funding the Grasshopper Control Program as we did. Those are things having an impact on agriculture, not simply going back to a program that we had before to increase the loan rate. That is a remedy, but that is certainly not the only remedy and, indeed, probably not the best remedy.

We need to be doing some things now and, indeed, we are. We need to continue to do that. The $5.5 billion in transition payments and accelerated payments that have been made to farm producers designed to help make the transition from a controlled Government farm program to a market program, that is what is expected; that is what is being done. We will do something, hopefully, about fast-track negotiations which are being held up, as you know.

The Crop Insurance Program is one that needs to be changed. Crop insurance is based on last year's production, last year's crop. If you didn't have a crop last year because of the drought, or whatever, then your crop insurance is virtually of no value.

We need to do something about tax legislation. We need capital gains relief in agriculture. Probably of any industry, the people who are in agriculture have more money invested in their facilities for the amount of cash flow of any industry.

There are farm savings accounts and income averaging which we passed and need to make permanent. Agriculture is traditionally profitable one year, less profitable another year. There needs to be income averaging.

They need 100 percent deductibility of self-employed health care, which is one of the things that farmers and ranchers need to put them on an even par with others.

These are the kinds of things that we are, indeed, talking about doing and, indeed, must do in order to allow this transition to take place.

There has been talk about a program for an increased conservation reserve, which would cost, I suppose, $2.5 billion to actually take some of the production out of production and put into a conservation area so that we can have impact on the prices. We can do this.

These are the things that are underway now, as a matter of fact, and have been for some time. Some of them were passed before we left in August. And we should continue to do that.

So I think everyone here takes seriously the difficulties that we are having in agriculture. Everyone here knows that we need to do some things to keep agriculturists in business, to help level out income over years when it is up and down—as it traditionally is—to do something about crop insurance so that when you are put up to the vagaries of weather and those kinds of things that there is some kind of an income support that you can depend on, but one that is part of the market, the market system.

We surely need to go back to the beginning to open more foreign markets so we can do that. We have to do something about unilateral sanctions, which we already did at least partially. And you remember in Pakistan when they fired off the nuclear thing, immediately sanctions went on, the fact that we could not sell agricultural products there. That has been changed and, indeed, should be changed so we have that market available.

So these are the kinds of things. I hope that we take a look at what really helps farmers and ranchers make a transition into the marketplace, in which I believe strongly. Frankly, the people in my State who I talk to believe also the best long-term direction for both agriculture and producers, and for consumers, is to have a market demand so that the production is, indeed, for the market, that production is not simply for some kind of a loan in which it goes into storage and becomes an obligation of the Federal Government. We have been through that. We have been through that program.

I happen to have been in agriculture almost all my life. My first job when I got out of the Marine Corps was with the Farm Bureau. I worked with the Farm Bureau for a very long time at the local level, the American Farm Bureau.

I just came back from my home college, the University of Wyoming, where we had Agriculture Appreciation Weekend this weekend. This is an area about which I feel very strongly. I hope that we make some moves before we leave, as the Senator from Iowa said. We should do that.

We have begun. We started a number of things that need to be continued now. We need to do more short-term things that will have impact this year, but also the long-term kinds of changes that allow this transition to take place, that allow farmers to produce for the market, that allow consumers to have a choice as to what it is they buy, that farmers are not dependent upon the Federal Government paycheck but indeed produce the kinds of things in the market, that we can increase these markets. We have the most efficient agriculture in the world, and there is a great deal of market available there as the world changes.

Let me say, again, that there is no question, I do not think among all of us, there needs to be something done. The real question is, What do we do? It is a philosophical question to a large extent, not whether you help but how in fact you do it, how in fact that help will impact over a period of time as we make the transition to a marketplace.

Madam President, I hope that we continue to talk about this. And I am sure we will.

Mr. FAIRCLOTH. Mr. President, I rise to address the farm crisis, and it is indeed a farm crisis. Prices are at historic lows for many commodities. That fact has received much of the attention.

Well, in North Carolina, that is just a part of the problem. My tobacco farmers also faced a direct attack on our billion-dollar tobacco crop from the White House. Further, my tobacco farmers were hit with a 17% quota cut last year, so they're facing dire times.

The Daschle amendment is not the answer for them. Really, it is not the answer for most farmers, it just doesn't address the root issues. It will not help in the short term. It will not help in the long term.

The Daschle amendment ignores the tobacco farmers. North Carolina tobacco farmers face the effects of drought—and hurricanes—but this amendment fails to address their problems. In fact, it's just not geared for the Southeastern farmers, but for the Midwest and West.

My tobacco farmers can't boost their exports to relieve their crisis not because there is no foreign market, but because it is government policy to prohibit efforts to help them build export markets. All the other commodities are on the table at the trade negotiations, but it is official policy to ignore tens of thousands of tobacco farmers. That is wrong.

We need a farm assistance plan that includes all farmers and that does not ignore North Carolinians.

I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. 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. LUGAR. Madam President, I rise to oppose the amendment offered by the distinguished ranking member of the Agriculture Committee. I appreciate his sincerity, scholarship, research, and his passion, but the solution that he offers, in my judgment, is the wrong one.

Republicans and Democrats are concerned about the financial stress in the farm sector. It is substantial. We have worked together on many initiatives aimed at strengthening the long-run health of our farm and ranch economy. There is, unfortunately, no single magic bullet that will make all of our farmers prosperous. But several constructive steps have been taken. I will explain later why raising loan rate

caps would be unwise, but first it is appropriate to mention a few of the constructive steps that farm organizations have suggested would help American agriculture.

Nearly all farm groups strongly support giving the President fast-track negotiating authority. The Senate Finance Committee has reported, in fact, a comprehensive trade bill containing a renewal of fast track. The majority leader, Senator LOTT, intends that the Senate act upon that bill in this session. Our House colleagues have also pledged to act on fast-track legislation.

Madam President, I start with that point because, very clearly, we must give the President fast-track authority. By that I mean the ability to submit to the Senate, on an up-or-down basis, a trade treaty negotiated with others, and in the case of the World Trade Organization negotiations next year, over 100 countries. If there is not the ability to deal with that legislation or that treaty on an up-or-down basis—and the normal course of the Senate would be to offer amendments—then other nations will feel free to offer amendments and the negotiations will founder.

Madam President, I mention fast-track authority, and so do most farm groups, first because the export side of our farm business is the growth side. As a matter of fact, in recent years most Americans must realize that about a third of all we produce on our farms has been exported. That is a very large part of demand.

The current crisis on the farm is of two origins. One is bad weather in some sections of our country and, in some cases, bad weather for several years running. As we have heard testimony from the distinguished Senators from South Dakota and North Dakota, parts of their States have reported conditions impossible for 4 years to get a crop. We have noticed very considerable drought this year in Texas, in Oklahoma, and in Georgia. And the Senate has acted appropriately.

When the appropriations bill came before the Senate, the agriculture appropriations bill—and it was managed very adroitly by the distinguished Senator from Mississippi, Senator COCHRAN—$500 million of so-called indemnity payments were set aside, and that amount of money is in a conference between the House and the Senate now. The thrust of the indemnity payments was to recognize that although we are inexact in knowing exactly what damages should be assessed, there has been a great deal of pain and a formula must be worked out. That would be helpful to those farmers in those States and those regions that have had extraordinarily bad luck from the weather.

Farming is always a situation of potential bad luck from the weather. No farm in this country is immune from those natural difficulties. That is a part of the excitement, risk, and the reward situation. Nevertheless, the Senate reacted appropriately, in my judgment, and now in conference a discussion about a half billion dollars of indemnity payments is proceeding.

The other reason that a farm crisis has occurred is that the Malaysian economy, the Thai economy, the South Korean economy, and the Indonesian economy all went into disastrous tailspins for a variety of reasons. But whatever may have been the reasons, agricultural demand coming from our Asian customers stopped cold. Our best estimates are that about one-third of our exports to Asia, which we would have counted on this year—there is a very strong trend showing year by year gains, and as Asian citizens have had more income and have tried to upgrade their diets, they have become very good customers of farmers in this country.

In any event, about a third of that demand is gone, and a third of all of our exports were headed to Asia. That means that roughly 10 percent of the entire demand for agricultural products in this country has vanished—vanished literally overnight. That has had a devastating impact, obviously, when demand heads into the tank at a time in which supply is huge. The supply of our corn crop, for example, is now going to be perhaps the second largest crop in the history of the country, and the soybean crop is the largest ever. Wheat farmers have already been heard from, and their pain has been felt. That registers both in the indemnity payment situation as well as a number of steps that the Senate and House have taken, including, as you will recall, an extraordinary debate on the Glenn amendment on Pakistan and India. The Glenn amendment required sanctions on both of those countries after they both tested nuclear weapons. But the Senate and the House voted rapidly to exempt Pakistan from that situation with regard to wheat so that an auction going on in Pakistan could continue, and, as a matter of fact, Pakistan bought, apparently, about 100 thousand metric tons bushels of wheat from the United States due to that extraordinary action. We had been conscious of the lack of demand for wheat and we are conscious of that lack of demand for corn and for soybeans.

As the distinguished Senator from Wyoming who preceded me on the floor pointed out, American agriculture is not entirely grain. It is not entirely vegetables or fruits. It includes livestock. Of course, one of the interesting aspects of agriculture is that as we dwell upon the price of feed grains, it has the worst effect on the cost of raising cattle or raising hogs. There are many farmers who have productions that include both livestock and grain. Many do so deliberately so that they have hedges either way.

But, in any event, in the totality of American agriculture, the important point this year is weather and Asia. Worse still is that the Asian situation was not contained there. The Asian problems may have been precipitated or extended by the fact that the world appears to be in the throes of a deflationary spiral, not only for agricultural commodities, but also for metals, minerals and for oil. All of these situations have been in what could be called a deflationary mode. The world has not seen this type of phenomenon for a half a century.

It is not clear who the winners and losers are from deflation. There are many of us anecdotically going to a filling station to fill up a tank who rejoice in the fact that sometimes you can buy a gallon of gasoline for less than $1 these days. There is not a great hue and cry on the part of the public to raise the price of gasoline to $1.20 or $1.50. As a matter of fact, we pocket the change without commenting and are simply pleased that some nice things come along in life unexpectedly.

But, if you were in fact a Nigerian, a Venezuelan, or even a Russian, and you saw that a large portion of the income of your country comes from oil and that income has gone down precipitously, or if you were any country in the world that gained most of its hard currency and export from mineral extraction, you would find a first-class recession on your hands. That has compounded the problem, obviously, for many of the Asian countries, as well as the increasing number of difficulties in our own hemisphere. It is not clear, Madam President, where the fallout will end with regard to so-called developing countries and others that have currency crises. But each of these weaken export demand from the United States for agricultural products and increasingly for other manufactured products as well. We need to recognize that.

There are speeches every year about shortfalls in prices. Some of these shortfalls occur every year as we approach our harvest and the market tries to sort out where the lows are going to be and a certain amount of speculation occurs. This time the real fear is that, given the harvest woes, the bounce back may not be very substantial if there is not somewhere the prospect that we are going to have sales.

I noted in the Wall Street Journal last Friday, at least that day—corn went down and beans went down. The problem pointed to by traders was that the export markets still looked weak. The article commented that wheat prospects looked somewhat better in the export markets—but not for corn and not for beans. That is a problem with which we are going to have to deal. That is why, Madam President, I pointed out that in the World Trade

Organization meeting next year we must have fast-track authority. It is essential if we are to expand substantially our export markets, which we must do if demand is to increase and if prices are to go up.

Let me point out that farm groups also strongly support International Monetary Fund funding and reform. They know that we have to deal with the Asian demand, the potential for declining demand in Latin America, and restoring IMF funding.

Madam President, the debates upon IMF have been hot and heavy on this floor, and in the committees. That has been true in the other body. Clearly, a number of Senators pointed out that the IMF may not have given the best prescriptions for a healthy return in Malaysia, Thailand, Indonesia, and Korea; that the IMF is far too opaque in terms of its deals; needs to be less secretive; that in fact prescriptions of raising taxes and lowering spending do not always work in economies and may not have been a realistic solution for Russia during the several times IMF money was given to that country. So, as a result, the Congress has not decided yet IMF funding. But, as I have pointed out, it is a very crucial situation. As a matter of fact, it is essential that we act in that area as well as the fast-track authority—two votes which leadership has promised.

Agricultural groups want to maintain the viability of crop insurance and to improve it. In the debate today, considerable attention has been given to one of the failings of crop insurance. This failing is that should crop failure occur for several years, the producer's acreage production history falls, and his insurance premiums increase. We will have to reform crop insurance. But I would simply point out that there are a good number of debates, depending upon the standpoint of the observers, as to how that is to be done.

For example, should there be a national premium for all farmers in all States and all locations regardless of risk that might be involved? Or should there be a premium based upon risk; upon the actuarial figures that show the history of a particular region or a particular crop? What should be the exposure of the taxpayers to the support of the insurance companies? We will need to face those problems of multicrop failures and actuarial soundness.

There is currently a subsidy to the companies so that crop insurance will be provided universally, and, yet, there will be debates among Senators who are not in the agriculture business as to why this particular type of insurance is subsidized. But this year the Senate and the House—and the President by signing legislation as an amendment to the agricultural research bill—went a long way to stabilizing the situation for the next 5 years so that farmers would have a pretty good idea of the lay of the land, and so would the insurance providers. That was critically important.

Madam President, part of our debate today on how agriculture is to be strengthened in the country was addressed in legislation that the Senate and the House passed and the President signed. We went a long way in the same legislation by providing specifically for agricultural research of all sorts, including pure research on those breakthroughs that we need to have if American agriculture is to be the most efficient, to be the lowest cost, and to be in a position to feed the world.

I look forward in the Agriculture Committee to substantial hearings and efforts by all parties as we progress into the next session. But for now, we have most farmers in this country covered with some degree of crop insurance. The amount of coverage was the choice of the farmer. I would say from my own experience that I had to make choices with regard to coverage of my corn and soybean crops this year. I could take a chance by having no insurance. That really has been my policy for decades. Or I could assume that perhaps El Nino would not work out so well, or El Nino would come behind it, or there would be other difficulties. I had better be prudent, be certain that I cover certain acres, and guarantee a certain price or outcome. Premiums differ according to the amount of risk that is acceptable. That is what most prudent business people do, in agriculture, outside of agriculture, anywhere.

Madam President, a number of farmers in the country apparently were not prudent and did not purchase adequate crop insurance coverage. Maybe they did not adequately understand the program, which means we have a large education job to do. But in any event, crop insurance reform is of the essence. That ought to be a part of our agenda. We have acted to mitigate the effects of economic sanctions on agriculture.

Madam President, I wish that the Senate had passed the sanction reform legislation, S. 1413, which I offered as an amendment to the agriculture appropriations bill. I believe that would have been a very constructive and hopeful step not only for agriculture but for all of American exporters. I have suggested in that legislation—which is still alive and hopefully will be reconsidered this year or next year—that there ought to be a systematic way in which our country considers economic sanctions. The President or the Congress ought to state what we are attempting to achieve, what the benchmarks will be for success, and what the costs will be of the sanctions to Americans and to American businesses, in terms of their effect on incomes and jobs. Finally, we ought to review sanctions each year. After 2 years they ought to be sunsetted unless the President or Congress specifically decides that a particular sanction is making a difference in our foreign policy.

I proposed this prospectively—that is, for the future—as opposed to revisiting the sanctions of the past, although many Senators have offered bills that touch upon the past or offered sanction waivers to the President. Unhappily, my bill got caught up, in a way, in the problems we have had during the appropriations season. There is not much time and there is much work to do.

But in any event, others have proposed sanction reform legislation. I have supported a number of those attempts because they take away roadblocks to exporting, and exporting addresses demand and increases price. Those who have talked eloquently today about price and income need to talk about exports, fast-track authority, and sanctions reform as opposed to policy options to store and overhang supplies for the future.

Let me point out, Madam President, that with regard to food there is a special case to be made against sanctions. I have supported such legislation, and I have supported the thought that we ought not to have economic sanctions on food, and that it is an inhumane policy. It is not an effective policy with regard to our foreign policy, and resolving sanctions on food would be of great help to American agriculture and American farmers.

We acted with corresponding dispatch in this body, as we did on the wheat sales to Pakistan, by speeding up the 1999 AMTA payments, the Freedom to Farm payments to farmers. This is a very large sum of cash. AMTA payments are made twice. The final 1998 payment for farmers will be made before the end of the fiscal year.

But we suggested that beginning October 1, 1999, farmers all over America who need increased cash flow—and we have heard much discussion of that today—could apply for the total AMTA payment for fiscal year 1999. Whether due to an emergency because of weather or because of the catastrophe in Asia, the cash flow could occur without taking out a loan; it is simply cash that the farmer in the program was guaranteed in the farm bill:

> But in any event, we decided to make that whole sum of about $5.5 billion available, and available promptly, as soon after October 1 as the U.S. Department of Agriculture could work out the administrative details, possibly by October 15.

This, I think, is an important point about the current farm bill. It has been suggested—I hope facetiously—by some today that it was the "Freedom to Fail" bill as opposed to Freedom to Farm, but most people would say when it comes to the AMTA payments, they like it. They like the thought that for

7 years, if you are in the program, you get a payment, divorced entirely from supply and demand, from the Asian economic crisis, from anything else as a matter of fact. It is a so-called transition from the farm bills of supply control of the past to the market-oriented programs that we have now.

Let me just say finally that the Senate, while approving $500 million in disaster aid as a placeholder for conference, it was understood that there may be additional monetary demands placed on the conference. I am not advocating that the sum be increased, but I am acknowledging that Senators from around the country have realized there has been further crop losses and plummeting prices. This legislation that is going to pass as a conference report, and hopefully will be signed by the President.

Let me point out, Madam President, that in addition to these very substantial ways of bringing money to farmers and new and enhanced demand, many of us have supported Senator GRASSLEY's farm and ranch risk management proposal and we will work diligently to encourage its inclusion in any new tax legislation this year.

I was very pleased to note in the Wall Street Journal today that Congressman ARCHER, the distinguished chairman of the House Ways and Means Committee, as he initiates $80 billion of tax cuts, has created an accelerated estate tax exclusion. The $1 million exclusion would commence January 1, 1999.

In the hearings we have had before the Senate Ag Committee, there have been two items that real live farmers said we need, we want. One is estate tax relief because it means the family farm really does have some possibility of remaining a family farm as opposed to confiscatory taxes intruding into an estate which is very heavy in real estate, land, livestock, buildings, and often very low in cash. So this is a critical item if you are a family farmer, and I am. This is critical, at least as I take a look at it, from the perspective of all the people I know in Indiana who are involved in family farming. This is real change in the economic aspects for this year and for many years for the continuity of farm life as we know it. So that is an important item.

The second thing people came in to say is, year by year, the most important thing you could do for us is to give us 100 percent deductibility of our health payments. For the average family farmer farming, say, 500 acres or so in Indiana, that often is an additional $4,000 or $5,000 added to the bottom line. That is a big piece of change.

The price effects changes that would come from removing the cap on the loan rate amount to about a 15-cent change, a 15-cent change in the price of a bushel of corn. It takes a lot of additional bushels to add up to $5,000 in the bottom line. A learned study just performed by the Food Agriculture and Policy Research Institute, and commissioned by the distinguished ranking member, Senator HARKIN, determined this.

Congressman ARCHER is proposing in this bill that we go to 100-percent exemption promptly. That would be true for all Americans, and that is true of the estate tax situation. These are not proposals that are made specifically for farmers.

I make that point because, although, quite properly, we are concerned with agricultural America, Senators have other people in their States in addition to farmers. In fact, some States hardly have very many farmers at all. What we are talking about, for example, in raising the loan caps is what the Congressional Budget Office now has estimated as a $5 billion new expenditure. That means that $5 billion would go from all the other taxpayers of the United States to some specific taxpayers who are essentially grain farmers. Few Americans may understand that transaction, that we have today been debating whether to give up $5 billion to grain farmers. But that is a huge transfer of income to a small group.

What I think is more constructive is a proposal such as that of the distinguished chairman of the House Ways and Means Committee in which he said estate taxes apply to all, including farmers. Farmers are 16 times more likely to pay estate taxes, for example, than other people. But this legislation is not limited to farmers or grain farmers. It is for all of us, and is true of the deductibility of those who pay their medical payments as individual persons.

I think it is, likewise, important to point out that Congressman ARCHER was quite specific on one of his proposals. He suggested that a provision retroactive to January 1, 1998—that is the beginning of this year—would expand to 5 years from 2, the number of tax years farmers can carry back losses.

That would be very helpful. A number of us have been talking about income averaging. This really goes at it aggressively, a carry back to 5 years. The Outlook, the publication of the USDA, points out that the last 5 years have been pretty good ones for agricultural America. This year is a downer with the weather and the Asia problems, but this has not always been the case. I can testify from my own farm that the last 5 years have been very, very healthy years. And farmers all over America have repaid debt. And businesses that thrive at the crossroads have thrived with that type of farm income.

Let me point out the FAIR Act, the Freedom to Farm Act, did not abolish price support loans. I think that is important to point out. In fairness, several Senators have pointed that out. They have said that there is a marketing loan in the farm bill. They disagree with the rate of that loan, or the price that is to be allowed—$1.89 for corn, for example, and would like for that to be over $2.20.

But let me just take an example, once again, from my own operations. I ask the patience of the Senate with regard to that because I do not believe there are many Senators here today who are in farming. There may be a few. I know the distinguished Senator from Iowa, Senator GRASSLEY, has long been involved with his family farm that I visited in Iowa. But there are not many. I am one of them, and today, Providence willing, soybeans will be shipped from harvest on my farm into the local elevator in Indianapolis. We will receive the marketing assistance loan at the rate of $5.26, which is being quoted today.

I sold beans at an average pretty close to $6.75 to $6.80 over the last year. So $5.26 is well off of that. One could say it is 20 percent, maybe more, maybe less. But I am happy to report that the yield per acre on the Lugar farm on beans looks to me to be way up. I think that is probably important, too. As a matter of fact, the cost per bushel will be down if the number of beans coming up is up.

We have heard suggestions today that you have almost an immutable cost out there. It simply cannot be met by these loan deficiency payments or marketing assistance loans. But I point out, volume still counts. And volume we have this year—a record soybean crop in America. Not just on our farm, that specific location, but all over America; unparalleled number of bushels of beans, maybe only the second in history in terms of corn.

So before all the dire predictions are visited, one has to take a look at some actual situations, some actual farmers who have some beans and have some corn. I point out the Freedom to Farm Act has not gotten into the loan deficiency payment until this year, and it is because low prices have kicked it in. But it would appear that this is going to be an additional $2 or $3 billion for grain farmers this year.

I pointed out earlier that over $5 billion is kicking in early in the AMTA payments for cash flow purposes, an additional $2 or $3 billion in this LDP program, and at least $500 million in an indemnity payment in regard to the weather. The taxpayers of this country have not been grudging when it has come to trying to meet agricultural pain and difficulty this year. As a matter of fact they have been very generous. And farmers are saying we do not really want charity, we want sales, we want marketing, we want exports. Give us at least those tools in fast-track authority in the IMF, in various

other facilities. Give us taxation changes so as individuals who have to pay our own health insurance, we get the benefit of the deduction which in some strange way has been denied us. That is not the case in the industrial sector. Give us tax relief in terms of carry-back provisions so we can average out over the good years, and save the taxes. Give us estate tax relief.

Let me just point out, we are not going to see, in my judgment, an end to the Asian crisis, the Russian crisis, or others, overnight. But we can exacerbate the problem inadvertently by doing the wrong thing. Higher loan rates have instant appeal—and I think that is obvious from the argumentation given here earlier today. But history shows they have long-term effects that are undesirable. A higher loan rate inevitably stimulates more production than the market can absorb.

That is a very big point, Madam President, because, as a matter of fact, lower prices currently are very likely to send exactly different signals; namely, do not plant as much of those things in which you do not do well. There will be marginal changes. There are some farm operations geared up to plant a particular crop every year come hell or high water. There is no need for market signals, that is what the farm does. The question is, Can you lower costs so that you become profitable and efficient over the years? Most farmers have lowered costs. That is why we are the lowest cost producers in the world and why we are bound to be good when we export.

But at the same time, the higher loan rate, by stimulating more production, will lead to a surplus and, thus, lower prices in the future, not higher prices. This amendment is clearly a short-term stimulus. If the projections of a $5 billion cost for taking off the loan cap is correct, $5 billion is going fairly immediately from some taxpayers in America to grain farmers, essentially. That will increase the income but, Madam President, the following year, the income comes down.

Let me point out that a study that was completed for my distinguished colleague, Senator HARKIN, points this out. Senator HARKIN approached well-known researchers at the Food and Agricultural Policy Research Institute. They pointed out, as we might anticipate, that if, in fact, the amendment before us were to be adopted, the average price of corn for the current year, 1998–1999, would increase 10 cents a bushel. That would be the average increase for that corn this year—10 cents. Wheat prices would increase 15 cents and soybean prices 6 cents.

But, unfortunately, they point out that the aftermath also indicates that in the following year, prices go down. Corn prices go down by 6 cents and wheat prices go down by 10 cents below the baseline. Soybean prices, would be relatively flat, they say. Essentially, they evaluate the immediate income surge at about $4.56 billion, pretty close to the $5 billion estimated by CBO.

They point out the obvious: if you have $5 billion injected into this situation averaged over 2 or 3 years, you still have more money than you had when the $5 billion went in. But they point out that absent a constant stream of this kind of activity—that is unleashing the caps, with continual injections of cash—that prices come down and so does overall income.

(Mr. ROBERTS assumed the Chair.)

Mr. LUGAR. That, Mr. President, is the basic problem with the amendment that has been offered by the distinguished Senator from Iowa. I simply point out that the basic and largest farm organizations in America have spotted this and they wrote to me on September 11. The organizations that have written and signed this letter are: American Farm Bureau Federation, American Sheep Industry Association, National Broiler Council, National Cattlemen's Beef Association, National Pork Producers Council and the National Turkey Federation—very sizable groups, covering general agriculture, as well as specific livestock and poultry situations.

They say:

Dear Chairman LUGAR: As the largest market for feed grains and soybean meal, the livestock and poultry producers are concerned over the debate to change the farm program's non-recourse loan rate structure. While we empathize with the market situation faced by feed grain farmers, we urge you to consider the very serious potential impact that changes in loan rates could have on all users of feed grains. With the export market being so vitally important to American agriculture, it is necessary to ensure that changes in government policy not put animal agriculture at a competitive disadvantage.

Historically, non-recourse loan rates that do not reflect market conditions have proven to affect producers' marketing decisions, which in turn have led to government surpluses that negatively pressure market price recovery. At a time when all of agriculture is facing depressed marketing conditions and export losses, we respectfully request that the Committee examine alternative policy initiatives to address low price conditions and help restore profitability to farmers and livestock and poultry producers.

I make that letter available, Mr. President, and ask unanimous consent that it be printed in the RECORD.

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

SEPTEMBER 11, 1998.

Hon. RICHARD LUGAR,

Chairman, Senate Committee on Agriculture, Nutrition and Forestry, Senate Russell 328, Washington, DC.

DEAR CHAIRMAN LUGAR: As the largest market for feed grains and soybean meal, the livestock and poultry producers are concerned over the debate to change the farm program's non-recourse loan rate structure. While we empathize with the market situation faced by feed grain farmers, we urge you to consider the very serious potential impact that changes in loan rates could have on all users of feed grains. With the export market being so vitally important to American agriculture, it is necessary to ensure that changes in government policy not put animal agriculture at a competitive disadvantage.

Historically, non-recourse loan rates that do not reflect market conditions have proven to affect producers' marketing decisions, which in turn have led to government surpluses that negatively pressure market price recovery. At a time when all of agriculture is facing depressed marketing conditions and export losses, we respectfully request that the Committee examine alternative policy initiatives to address low price conditions and help restore profitability to farmers and livestock and poultry producers.

We would urge that any resources that become available to help improve agriculture's bottom line should focus on providing assistance for weather-related disasters, addressing domestic and international marketing problems, providing income and trade assistance to address the loss of exports and providing additional tax relief for farmers, ranchers and livestock producers.

Thank you for your consideration of our concerns. We look forward to working with you and the Committee on these matters.

Sincerely,

American Farm Bureau Federation.
American Sheep Industry Association.
National Broiler Council.
National Cattlemen's Beef Association.
National Pork Producers Council.
National Turkey Federation.

Mr. LUGAR. Mr. President, these agencies, including the American Farm Bureau and the sheep, broiler, beef and pork producers have made the essential point with regard to the removing of the cap on the marketing loans. Inevitably, the signals go out and the supplies increase. Even under the marketing loan concept, in which it is unlikely that there will be the buildup of forfeitures and the buildup of governmental storage that characterized previous situations, there still is a glut on the market. The surplus does not disappear.

Price signals were out there for a purpose. They indicated who wanted to utilize the commodity, who could utilize the commodity. Tragically, in this country, we are utilizing commodities about as well as we are going to. The up-side potential that we talked about today on the export side is the difference. That is where the thrust has to occur. To have a domestic transfer of income simply hides the problem; it doesn't market the commodities. The costs do not decrease for farmers in the field, although much that we have done this year in terms of our research bill might assist people in bringing about lower costs.

I commend all of my colleagues who have spoken to this issue today for their concern. They have spoken with sincerity. They are advocates of producers in their States and of American agriculture generally. Many are Members of the Senate Committee on Agriculture and participate regularly in

trying to think along with the majority and minority how we can deal with these problems.

But, Mr. President, we have debated, as was pointed out earlier by various Senators, this issue on at least a couple of occasions. On one occasion, the distinguished Senator from Montana, who is on the floor now, discussed a lengthening of payment of the loan rate. He did not press for a vote on that occasion. But then on the appropriations bill, an amendment was offered by the distinguished minority leader of the Senate, Senator DASCHLE, that had very similar characteristics with regard to the caps on the loan rate. The Senate voted 56 to 43 after extensive debate that took, as I recall, the better part of 4 hours on that occasion.

We have revisited the issue for another 4 hours this afternoon, and it is probably worthy of considerably more attention. I suspect the problem is that the Senate is also attempting to deal with the Interior appropriations bill in addition to problems of agriculture.

It will not be a good idea to adopt this amendment. I have listened carefully to others who have spoken. But we ought to defeat this amendment. Therefore, Mr. President, I commend my colleagues for their sincerity, but after a consultation with and on behalf of the majority leader I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The yeas and nays were ordered.

Mr. LUGAR. The vote, I understand, Mr. President, will occur after the first vote that is now set for 5:30; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LUGAR. I thank the Chair.

TRUTH IN EMPLOYMENT ACT

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, there will now be 30 minutes for debate equally divided in relation to S. 1981. The Senators from Arkansas and Massachusetts control the time.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HUTCHINSON. Thank you, Mr. President.

I think we have before us a bill that is very important and well worth the time that we have taken debating it on the floor of the Senate today. This bill deals with the unconscionable practice of some labor unions today to send paid salts or unpaid salts into a business under the guise of working for that employer but when the real intent is to wreak economic damage and ultimately bring a business and employer to his or her knees.

Salting is the calculated practice of placing trained union agents in a nonunion workplace whose primary purpose is to harass, disrupt company operations, apply economic pressure, increase operating and legal costs, and ultimately put the company out of business.

Mr. President, the Truth in Employment Act simply inserts a provision in the NLRA freeing an employer from the requirement of employing ". . . any person who is not a bona fide employee applicant, in that such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status." In other words, an employer is not required to hire an employee whose primary—primary purpose—I emphasize, whose primary purpose in applying for a job is not to work and benefit the company.

Participation in union activities or an in-house employee organizing committee would not constitute employment or agency status. It simply allows employers to not hire overt salts and to give employers recourse against covert salts—those who would come in surreptitiously.

The bill also specifically protects the rights of bona fide employees to self-organization, labor organization membership, and collective bargaining.

Let me just take a moment to emphasize what this bill will not do, because it has been so grossly mischaracterized by those who want to see this practice continue in the American workplace.

No. 1, it does not undermine legitimate rights or protections. Employers will gain no ability to discriminate against union membership and activities or activities, or activities in other organizations. It only seeks to stop the destructive practice of salting; that is all.

No. 2, it does not prevent union organizing or other types of organizing, such as women advocacy groups or a day-care program in the workplace. It does not prevent women and minorities from advocating their rights. It does not change the definition of "an employee" and what an employee is.

It does not overturn the decisions of the Supreme Court. It does not overturn the decision of Town & Country Electric, Inc., which stated that paid union organizers can fall within the literal, statutory definition of "employees."

It does not create a system of blacklists. And it does not promote mind reading or mind control, as some of my colleagues would suggest.

Salting is not a product of my imagination, it is a very great reality in the workplace today.

Jack Allen, previously of Thomasville, GA, provided an account of his experiences to Representative ALLEN BOYD of Florida, where he currently is employed. Allen Electric was founded by his father in 1947. He eventually took over the company.

Mr. Allen's family-owned business, passed down from his father, eventually sank under the heavy financial weight of legal expenses—expenses incurred because he tried to defend himself against fraudulent discrimination charges by union salts.

Mr. President, this legislation will prevent others from suffering the injuries that Mr. Allen suffered—the loss of his family company, the loss of all his hard work, the loss of his reputation.

I think it is wrong for us, under current law, to compel employers to hire someone who comes into the workplace with the goal of disrupting, destroying, and eventually bankrupting their employer. That is wrong. This is a modest piece of legislation that takes a small step in restoring balance and fairness in employee-employer relations. I ask my colleagues to support this motion to invoke cloture.

I reserve the remainder of my time and yield the floor.

Several Senators addressed the Chair.

Mr. KENNEDY. I yield my colleague 7 minutes.

Mr. WELLSTONE. I thank my colleague.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I say to my good friend—he is a good friend—Senator HUTCHINSON, I have looked through the language, and under the section dealing with protection of employer rights—maybe there should be another time my colleague should bring this bill to the floor because this bill, in its present form, would allow an employer not to hire someone who might simply have an interest in joining a union. It is that ambiguous.

I say to my colleague that while this isn't his intention, it sort of reminds me—you cannot have such broad language. It is sort of like the days a long time ago—it is not the intention of my colleague from Arkansas; and I think my colleague from Massachusetts would appreciate this—where the Irish had a hard time getting jobs because people assumed, "They might very well come in there and organize a union." We cannot go back to those days.

Or as I look at this piece of legislation, you have a situation where maybe an employer would not hire a minority for fear that that minority, based upon her past experience, might come into the workplace and say to other people, "Listen. We're not getting a fair shake." Or the same thing can hold true with someone who has been active in the National Organization for Women, and the argument might be, "We don't want to hire such a person

because, again, they might engage in the kind of activity that we would prohibit.''

Or you might get into a situation where you do not want to hire someone—I think we have had that discussion before—who might come in and, because of her background—she is an activist—''My gosh, she might come in and start organizing with other women and say, 'You know what? We ought to be going to our employer and saying this ought to be a more family-friendly workplace. We need good child care here.'''

This is a piece of legislation which is so broad in its application and so ambiguous, I say to my friend from Arkansas, that this is an enormous step backward.

I only have a few minutes, and if I get more time we can go to debate, but I just want to simply say that I think the direction we ought to go in—because the truth about this Truth in Employment Act is that it just takes us back decades. It is unacceptable.

I have a piece of legislation that I have introduced called the Fair Labor Organizing Act. Let us talk about, What is the truth when it comes to the imbalance of power between employers and employees right now? If there is going to be a focus on how parents or a parent can do their best by their kids—in which case, they do their best by our country—then part of the focus is going to be on living-wage jobs. That speaks to the right of people to organize and bargain collectively, to earn a decent living, and give their children the care they know their children need and deserve. This piece of legislation goes exactly in the opposite direction.

Now, the Fair Labor Organizing Act—and I would love to have support from my colleague on this—says three or four things. It says, first of all, let us talk about what is going on, the reality, the truth of what is going on right now. It says, first of all, that when it comes to organizing, companies do not get to give captive-audience speeches; the employees, the workers, also are going to have a right to hear someone from the union. Free flow of information.

The second thing it says is that companies—let's talk about the truth. The truth is that, right now, there are too many companies that hire union-busting consultants and illegally fire people. Some 10,000 people a year are illegally fired because they want to do nothing more than join a union, have some power, bargain for a decent wage and do well for their families. What the Fair Labor Organizing Act, which I have introduced, says is that if a company does that, it is not going to be profitable for them to do that any longer. They are going to pay serious back pay. There are going to be serious fines on them.

The third thing we say in this legislation is that even if people are lucky enough to be able to organize a union and aren't fired while they are trying to do so, then all too often companies just stonewall and refuse to sign a contract, in which case they will go to binding arbitration, mediation.

I say to my colleague from Arkansas that if, in fact, we want to talk about truth in employment, then we ought to deal with the truth of the matter, which is right now we have egregious examples of people being illegally fired, not able to organize, not able to bargain collectively, and this legislation goes in exactly the opposite direction.

This has very little to do with truth in employment. This has a whole lot to do with basic first amendment rights. This has a whole lot to do with giving those companies—I hope there are not too many, and I don't think there are; unfortunately, there are more than I wish there would be—a huge loophole whereby they simply don't have to hire somebody who potentially might have an interest to join a union, or she calls on her colleagues to join a union. It is unacceptable. You can't have a piece of legislation passed with this kind of mandate. We can't give companies a mandate not to hire women, not to hire minorities, not to hire activists who might want to join a union or want other members to join a union, not to hire men or women who want to fight for more child care. That is what this legislation does. Bring back another piece of legislation which doesn't have this kind of language and I will support it. But tonight I come to the floor to say to my colleagues that there should be an overwhelming vote against this piece of legislation.

How much time do I have left?

The PRESIDING OFFICER. The Senator has 20 seconds.

Mr. WELLSTONE. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes 44 seconds, and the Senator from Arkansas has 10 minutes 30 seconds.

Mr. HUTCHINSON. Mr. President, I yield 4 minutes to the distinguished assistant majority leader, Senator NICKLES from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, first, I wish to compliment my colleague from Arkansas for bringing this bill to the floor. I urge my colleagues to vote in favor of it. In response to my colleague from Minnesota, I think he should read the legislation. In reading the legislation, the protection of employer rights, section 8(a) of the NLRA is amended on line 22 to read:

> Nothing in this subsection shall be construed as requiring an employer to employ any person who is not a bona fide employee applicant, in that such person seeks or has sought employment with the employer with the primary purpose of furthering another employment or agency status: *Provided*, That this sentence shall not affect the rights and responsibilities under this Act of any employee who is or was a bona fide employee applicant, including the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining. . . .

Mr. President, under the legislation my colleague from Arkansas has, an employee can come in, and if they want to help organize or participate in the collective bargaining process, they can do so. But they have to have the primary purpose of employment, of working with the employer. It can't be to circumvent and say, no, we want to work full time for the union, even to the destruction of the company.

Unfortunately, that happens today to some companies that might be nonunion. The organizers who are trying to unionize the company sometimes say, ''We would rather destroy that company if they are not going to be union.'' I will read you one comment that was in the International Brotherhood of Electrical Workers' organizing document on how to use salting techniques:

> Phase 3 is infiltration, confrontation, litigation, disruption, and annihilation of all nonunion contractors. If we cannot get inside and organize, then we must disrupt the operations of the nonunion contractor.

That is a quote. I understand they have now taken that out of their organizational manual. But, in essence, they want to infiltrate and do everything they can to disrupt, and that means filing untold numbers of unfair labor practices. That means filing untold numbers of OSHA complaints, and any other thing to disrupt the company and make them an unsuccessful organization. Unfortunately that happens.

I have a letter from one of my small companies in Oklahoma, dated May 29, 1998. He is telling a story and talking about filing false and incorrect reports with the NLRB:

> We hired an attorney to represent us in these proceedings. Each time, we had proof, and sometimes outside witnesses, to prove our side of the story.

It goes on and on and on and talks about harassment. So I compliment my colleague from Arkansas. I think he is exactly right. I urge my colleagues to vote in favor of this bill.

Mr. President, I have two editorials. One is dated June 8 of this year, from the Daily Oklahoman, entitled ''Salt, Not Light.'' It repeats the real essence of this legislation, why it is needed. Also, I have one that was in today's Washington Times, entitled ''Pass the Salt Reform.'' It is dated Monday, September 14.

I ask unanimous consent to have these printed in the RECORD.

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

[From the Daily Oklahoman, June 8, 1998]

SALT, NOT LIGHT

At a recent congressional hearing the owner of a non-union electrical contracting firm explained that his company had been hit by 85 unfair-labor-practice complaints since 1985, all dismissed as frivolous.

One came from a worker who'd been fired for refusing to wear his hard hat on his head. "He would strap it to his knee and then dare us to fire him because he said our policy stated only that he had to wear the hard hat—it (the employee manual) didn't say where he had to wear it," said John Gaylor of Carmel, Ind.

The worker was a "union salt" sent to harass a non-union business. Gaylor's firm is a favorite target of the International Brotherhood of Electrical Workers (IBEW). He budgets $250,000 a year to fight frivolous complaints.

"Union salting" is a serious problem for small businesses. Union members are sent to disrupt productivity. According to the IBEW's organizing manual, the idea is to "threaten or actually apply the economic pressure necessary to cause the employer to . . . raise his prices, to recoup additional costs, scale back his business activities, leave the union's jurisdiction, go out of business and so on."

It's big labor's version of guerrilla warfare, and it should be stopped. In March the U.S. House passed a bill to free employers from having to hire anyone who seeks a job to pursue interests unrelated to their own. The bill would require the National Labor Relations Board (NLRB) to decide complaints related to union membership within a year. It would mandate reimbursement for attorneys fees and other costs if NLRB sues a small company and loses.

The Senate should follow the House's lead. Congress also should reject Bill Clinton's nomination (AFL–CIO lawyer Laurence Cohen) to be the NLRB's general counsel. Cohen is the father of union salting and as such is the wrong choice for the NLRB, which is supposed to be a non-partisan arbiter in labor-management conflicts.

[From the Washington Times, Sept. 14, 1998]

PASS THE SALT REFORM

The story goes that a small Dallas electrical company of about 30 employees won a bid for work on a school construction project and ran an ad inviting workers to apply. When a local electricians' union responded to the ad, as Rep. Sam Johnson described the incident in debate earlier this year, their hiring blew the company's fuse.

The union members, he said, "staged small strikes by leaving the job for three or four hours but returning just before they could be replaced. They also sabotaged the electrical work and went on to file close to 50 grievances against the company, eventually driving it out of business."

What the company didn't know was that it had hired "salts," union members sprinkled into non-union companies with the goal not of organizing them along union lines but of sabotaging them financially. It's an increasingly popular way for Big Labor to beat non-union firms with which it can't compete.

As one former salt testified, "Salting has become a method to stifle competition in the marketplace, steal away employees and to inflict financial harm on the competition. Salting has been practiced in Vermont for over six years, yet not a single group of open-shop electrical workers have petitioned the local union for the right to collectively bargain with their employers."

What makes this practice particularly effective is, first, that as of now it is perfectly legal and, second, salts can win even when they lose simply by running up a company's legal bills with frivolous charges filed with the National Labor Relations Board, the Occupational Safety and Health Administration and other federal agencies. Among the casualties to date: a Carmel, Ind., firm that faced 96 charges, all of them dismissed, but has run up $250,000 in legal bills trying to defend itself; a Cape Elizabeth, Maine, company that faced 14 charges, all dismissed after spending $100,000 in legal bills; a Clearfield, Pa., firm faced with as many as 20 charges, all but one dismissed, but a $75,000 legal bill plus lost time that eventually forced it out of business after 38 years.

Companies faced with this kind of extortion fear they can't afford to win. Given the choice of pyrrhic financial victory or paying off the salts and settling the case for less, many choose to settle.

A more cynical exploitation of "worker rights" is hard to imagine, but it has been hard to reform existing law. By just a two-vote margin along party lines earlier this year, the House of Representatives approved reform amid much clucking about the Republican Party's anti-worker tendencies.

Today, the Senate is scheduled to take up the matter with a vote to shut off debate on the issue. The focus of the debate is legislation introduced by Arkansas Sen. Tim Hutchinson that attempts both to protect the right to organize and to prevent its abuse. The bill specifies that any bona fide job applicant, union or non-union, is entitled to all the rights and responsibilities that go with the job (i.e., to join a union, to bargain collectively and so on). But if the applicant has sought employment with the primary purpose of promoting the agenda of some other organization or business, a company is not required to employ him. Put another way, if the applicant would not have sought the job but for his union mission, then he is a salt not entitled to the usual worker rights.

By passing such a law, the Senate would protect not just companies but taxpayers whose money covers the cost of agency hearings and other administration that results from union salting. Workers might have a better opportunity to air legitimate grievances, too. It's time to put union on a low-sodium legislative diet. It's time to pass the salt reform.

Mr. KENNEDY. Mr. President, as I understand it, we have 7 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts has 7 minutes 41 seconds.

Mr. KENNEDY. Mr. President, I yield myself 4 minutes.

First, let's remind ourselves of what this legislation is all about. Its purpose is to say to American workers who are qualified for a job that they will be denied employment if they have an intent to try to organize co-workers in nonworking areas and during nonworking hours.

Very clearly, you can't have it both ways. You can't say we are really not trying to overturn the Town and Country case. All you have to do is look at what the testimony was before our committee. Every single person who supports this bill wants to reverse that case.

Second is the idea that these workers are going in to destroy the company. What good does it do to organize if they are there to destroy it? That makes no sense. The claim makes no sense.

Mr. President, it is very clear what the court holdings are. First of all, if a company doesn't want to hire individuals who are paid by a union to organize the workforce, which has been a protected right for over 60 years, all the company has to do is set a blanket rule barring all other employment. That solves the problem—do it for those who are paid by the union, and for those who are going to be moonlighting. That solves the problem. We don't need legislation, Mr. President—they can do that today.

Mr. President, the court decisions also make plain that you can fire any employee who neglects their duties. If workers are disruptive on the jobsite, current law allows them to be fired.

Supporters claim that these workers won't do their jobs, but instead will file phony charges with government agencies. But the law allows companies to recover attorney's fees if an unjustified charge is pursued.

Mr. President, we have to look at what is the issue. The issue is fundamental. It is whether we in this country are going to permit workers who have the ability to do the job, and who are performing their job—whether we are going to muzzle them, to blacklist them and say under no circumstances can they go out there and try to persuade workers to join a union.

If the company finds out that they are going to be organizing a union, they can go ahead and fire them. That is what this language says—go out there and fire them right away.

Mr. President, this applies not just to those individuals who hold an employment status with a union, but those who hold an "agency status." What in the world does that mean? I will tell you what it means. That means, for example, of the 100 top CEOs in the restaurant industry, there isn't a single woman—not one, not a single woman. Do you understand that—in the restaurant industry, of the top 100 CEOs, none is a woman? So workers go in and say, "We want to break the glass ceiling in the restaurant industry." Under this bill, the employer can say "Oh, no. Oh, no. You have another thought in mind. You may need this job. You may want this job. You may do it very well. But if you intend to try to do something about equal pay for women, try to do something about a child care program, try to do something to break the glass ceiling, oh, no. Oh, no." These workers can be fired by the employer as well.

This is a continuation of the effort that we have seen in the last 3 years to attack working families' income, and the rights of working families to represent themselves and try to persuade

individuals to be part of their union. If they don't choose to be, so be it. If they do choose to be, so be it as well. But you are denying them that opportunity to choose.

Mr. President, we have to ask ourselves now on a Monday night why we are debating this particular issue when we have a Patients' Bill of Rights ready to go. We could be debating those issues which are of such basic, fundamental importance and significance to families in this country.

I withhold the rest of my time.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, it is a little frustrating for me because there could be nothing more unambiguous than the language in this bill. As often as somebody wants to get up and yell and scream and have a tirade about this being disruptive of workers' and union members' rights and the rights to organize, if you simply read the bill, it says unambiguously and very forthrightly that there is nothing in this bill that will interfere with ". . . a bona fide employee applicant, including the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representation of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection."

Mr. KENNEDY. Will the Senator yield on my time? Who is going to make that decision? The employer is going to make that decision.

The PRESIDING OFFICER. The Senator from Arkansas has the time.

Mr. HUTCHINSON. I will be glad to yield for a question, not a speech.

Mr. KENNEDY. Who is going to make the decision?

Mr. HUTCHINSON. The NLRB will make the decision, because the employee has the right to file that complaint and go to the NLRB. But the burden of proof will be different. It will be the NLRB attorney who certifies that he was a bona fide employee applicant and not someone who went in for the purpose of destroying that company.

I would like to yield 3 minutes to my distinguished colleague from Colorado.

The PRESIDING OFFICER. The distinguished Senator from Colorado is recognized.

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

Mr. President, I am rising in support of Senate bill 1981, the Truth in Employment Act.

I agree with my colleague from Arkansas that we do protect the right of employees to organize under the National Labor Relations Act. The problem is that we have small businesses out here that are being harassed and their businesses are being disrupted. I want to take a minute to explain to you or relate an incident that happened in Denver, CO. It is a real life story of what happened.

This businessman, who happened to be an electrical contractor, saw a van pull up in front of his business. Seven union organizers jumped out of the van, ran into his office, and they applied for a job with the business. They had their videotape running. When all was said and done, he hired some of them and put them to work. When all was said and done, when all the harassment was done, and all of the later procedure and everything, there was a considerable amount of cost to the company in management time as well as actual dollars. It ended up that there were approximately 19 frivolous and sometimes false charges with the National Labor Relations Board. Each one of those charges was eventually dropped. However, the company had already dedicated 500 management hours to deal with problems created by these salting workers and suffered financial losses of more than $1 million.

This is not workers' rights, this is going out and harassing your competition. It is going out and disrupting another company that is trying to compete in the fair marketplace. It doesn't have anything to do with jobs. What it ends up doing is costing the consumer. You and I, as consumers of electricity, will have to pay more electrical rates because of this type of activity that increases the cost of providing the services that consumers end up utilizing.

I think this is a good bill. I am rising in support of it. I urge my colleagues to support this. I think my colleague from Arkansas is doing the right thing. I believe that we are protecting the rights of employees. What we are doing is eliminating the harassment and the unnecessary cost to the employer.

I yield the remainder of my time.

Mrs. BOXER. Mr. President, I oppose the bill before us—S. 1981—because it would ban a perfectly legal and protected activity which was upheld in 1995 by a unanimous Supreme Court decision. The bill would ban "salting," which occurs when efforts are made by union supporters to gain employment with nonunion employers to organize their fellow employees during nonworking hours.

This bill, I believe, is an attack on the working men and women of this country who choose to exercise their legal rights. For the first time since the enactment of the National Labor Relations Act (NLRA), employers could refuse to hire workers or could terminate workers who sought or obtained employment because they intended to engage in organizing activities.

Although the proponents of S. 1981 contend the bill merely prevents employers from being forced to hire union organizers, the actual impact of this bill would be significantly broader. For example, under S. 1981, employers could refuse to hire pro-union applicants even if they were not paid union organizers. In addition, an employer could deny employment to an applicant whose goal was to further "another employment or agency status." Agency status, however, is not defined. What does it mean? Since it is not defined, it could include any number of things, including the ability of women to try to organize for an on-site day care center.

The proponents of S. 1981 also contend the bill is necessary in order to prevent workers from gaining employment for the purpose of destroying an employer's business. I agree, of course, that an employer should not be forced to hire a worker who seeks employment with the intention or purpose of destroying the employer's business. In fact, however, employers already have tools at their disposal to deal with employees who are disrupting an employer's business or who are not properly carrying out their job responsibilities. Such workers can be disciplined or even discharged.

S. 1981 goes far beyond that. It says that any worker who applies for a position and has the intention of organizing a union can be denied employment even if that worker has no relationship with a union.

The NLRA currently prohibits the discharge of employees who attempt to organize. Nothing in S. 1981 ensures that this protection will continue. This is important because if S. 1981 were enacted, an employer could claim that a recently hired employee who had begun to speak to fellow workers about the need for a union had applied for the job with that purpose, giving the employer the legal right to fire such an employee.

The right to organize is a basic freedom guaranteed to our American workers and I strongly support it. S. 1981, unfortunately, does not. It would diminish the rights of America's workers, and weaken the protections in the NLRA for them. It is anti-worker and anti-union, and it should be defeated.

Mr. BOND. Mr. President, I urge my colleagues to vote for cloture so that the Senate may proceed to consideration of S. 1981, The Truth In Employment Act. As an original cosponsor of the bill, I applaud Senator HUTCHINSON for his efforts to restore balance to our federal labor laws. S. 1981 would prohibit the controversial practice of some unions called "salting," while maintaining the right of all workers to choose whether or not to be represented by a union.

"Salting" is a controversial tactic that typically involves a union instructing its agents to apply for jobs with non-union employers. If these agents, or "salts," are not hired, then the union immediately files unfair labor practice charges with the National Labor Relations Board (NLRB)

alleging discriminatory hiring. If the salt is hired, he or she attempts to convince the other employees to join the union, tries to generate unfair labor practices, and initiates complaints with other federal agencies like OSHA and EPA. Some unions have made it clear that if organizing is unsuccessful, then the goal is to drive non-union companies out of business to lessen competition for unionized businesses.

S. 1981 would amend the National Labor Relations Act (NLRA) to ensure that no employer is required to hire an applicant or retain an employee whose primary purpose is to disrupt the workplace through harassment, increased costs, and frivolous complaints at the direction of a union or other employer. Last Congress, the Committee on Small Business received testimony on salting and the use of such campaigns by some unions to harass and intimidate non-union employers and employees.

So one denies that unions have the legal right to organize non-union workers. The problem arises when a union directs its members and business agents to gain access to a workplace not only to organize, but to harass. In the situations I have heard about in Missouri and around the country, salting campaigns involve abuse of the NLRB's procedures in an effort to put small companies out of business. For instance, over a two-year period, the NLRB at the instigation of the unions filed 48 unfair labor practice charges against a small construction contractor in Missouri. Although 47 of the charges were later thrown out by NLRB and one settled for a few hundred dollars, the employer was forced to incur $150,000 in legal fees to mount its defense. During this period, the union never sought a representational election so that employees could vote for or against joining the union. Salting campaigns can also include destruction of property, tampering with equipment, and general harassment of the non-union workforce by the union salts applying to the companies with the intention of disrupting the workplace or producing NLRB charges.

As Chairman of the Committee on Small Business, I am sensitive to the concerns raised by small businesses about the effects our laws and regulations have on their ability to operate. S. 1981 provides a common sense solution to a nonsensical situation. While I support the right of workers to organize, S. 1981 would restore the balance intended between the rights of workers and of employers. Under S. 1981, only employees and applicants seeking work in good faith would be entitled to the protections provided under the NLRA. In 1995, the Supreme Court ruled that current law does not distinguish union salts from employees engaged in traditional organizing activities protected under the NLRA. S. 1981 does not overturn the Court's decision, but would amend the law to recognize the distinction between salting activities to cause economic harm to the employer versus legitimate organizing. S. 1981 retains the prohibition on employers' discriminating against bona fide employee applicants exercising their protected rights under the NLRA. I believe S. 1981 would restore the balance intended.

On March 26, 1998, language identical to S. 1981 passed the House of Representatives as part of H.R. 3246, the Fairness for Small Business and Employees Act of 1998. While the House bill passed by a narrow 202–200 vote, it is time the Senate gave full and careful consideration to this issue. I urge my colleagues to join me in voting for cloture.

Mr. FEINGOLD. Mr. President, I rise in strong opposition to S. 1981, the so-called "Truth in Employment Act" and urge my colleagues to do so as well.

Mr. President, this legislation is an affront to the American worker. It opens the door to abuse of good workers and unfair job termination. This measure would undermine a worker's right to organize, to seek better working conditions, to work to reduce racial tension, and to seek higher wages and better benefits. This measure seeks to undermine and penalize most every action an employee might take to improve the lot of workers.

In a unanimous 1995 decision, NLRB versus Town and Country, the United Sattes Supreme Court held that a "union organizer is an employee, with all the protections of the National Labor Relations Act (NLRA), if acting as a union organizer does not involve abandonment of his or her service to the employer." This legislation makes a mockery of the Court's decision by requiring that workers be, what it calls, "bona fide" job applicants and by subjecting workers to an outrageous test of motivation as a condition of enjoying the protection of the NLRA rights. This bill provides a legal shield to employers who refuse to hire applicants who are union members or who have worked for an organized employers.

Mr. President, its not my intention to stand here telling the business community of this country that they do not have the right to terminate union employees for cause or that they must hire only applicants who claim a union affiliation. In my eyes, anyone who does not produce quality work product or who consistently ignores the rules of the workplace should face the threat of termination. Along those lines, any applicant who does not have the skills or experience to perform a job well should not be hired and the law today does not require that any unqualified person even be considered for a job. Mr. President, that's just common sense—that's just fair. This bill, the deceivingly named "Truth in Employment Act," is not fair.

Mr. President, since being elected to the Congress, the Senate majority has used every possible opportunity to attack worker rights. They have used a variety of vehicles, ranging from their anti-overtime bills, to repeated efforts to water down OSHA requirements, to their opposition to an increase in the minimum wage or any expansion of the Family Medical Leave Act. This latest measure is just the latest in a long history of anti-worker legislation presented to us by the majority party.

This bill is blatantly anti-union, anti-worker and anti-American. I urge my colleagues to stand up for the ordinary American workers in their state. I urge my colleagues to vote "no" on this harmful measure.

Mr. HUTCHINSON. Mr. President, might I inquire as to the amount of time on each side?

The PRESIDING OFFICER. The Senator from Arkansas has 2 minutes, 59 seconds; the Senator from Massachusetts has 2 minutes, 31 seconds.

Mr. KENNEDY. Mr. President, we hope that this motion for cloture will not be passed. This is a very fundamental issue; that is, whether we are going to permit employers to get into the minds of potential employees who are qualified to do the job. If applicants are not qualified to do the job, they are not hired. It is not necessary to hire them.

This legislation permits any employer to say to any worker who comes into the shop, who is interested in trying to describe the benefits of a union, whether it be higher wages or child care facilities—to be able to say, "No, we are not going to hire you." You know what is going to happen then. It is a decision that will be made by the employer. That decision then goes to the NLRB. Three years go by, and then the case comes to trial. What was in the mind of that particular employee? There is not any evidence of disruptive activities. The law gives employers many ways to police those. The fact of the matter is, the workers are trying to convince other workers to join the union, and not be disruptive—to demonstrate that there is a better opportunity for them by working through the company rather than being disruptive.

That is why we have scores of letters to indicate that this is something that is constructive and productive. This involves a very basic and fundamental issue, and that is whether, in our country, which has benefited so much from the development of collective bargaining, we are going to deny workers the chance to be able to gather together to represent their interests to improve the lives of their families.

Mr. President, I oppose this legislation and I urge my colleagues to oppose cloture on this motion.

Mr. HUTCHINSON addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, we likewise have scores of letters that have been submitted for the RECORD—small companies that are being destroyed by the terrible practice of salts. We have literally tens of thousands of names that have come in on petitions saying please pass something to protect small employers.

The Senator from Massachusetts has questioned the logic. Why would somebody go in to destroy a company? Why not organize the company? That is the whole point. These are companies that have not been willing to organize, or they could not get the support among the employees of that company to organize. So in desperation they go in not to organize, not to legitimately persuade employees to join a union and to collectively bargain, but to economically ruin and devastate the viability of a small company. Why are we compelling employers to hire people who do not want to work but want to destroy their company?

Imagine that salt who comes home at the end of the day, hired by the labor union to go in and economically destroy by filing frivolous complaints, to file OSHA complaints, or cause OSHA complaints, at the end of the day facing their wife who says, "Honey, how did your day go?" "My day went great. I went out and helped to destroy the livelihood of my employer"—the American dream of what he has worked for for a lifetime. Imagine the employer going home at the end of the day, a small businessman, and his spouse says, "How did your day go?" "Oh, great. I spent my day in court trying to defend myself against frivolous complaints that have been filed."

It is not good for the employee or the employer. Many salts have come out of it and have said, "I will not be involved in that kind of practice any more."

I ask my colleagues this simple question, because I think it is simply an issue of common sense. Would you hire someone in your office, would you hire someone for your staff, who came in with the conscious, primary purpose of undermining everything you are working for—every legislative goal, every legislative agenda, every project in your State—and they are coming in for the purpose of undermining your role as a U.S. Senator? Would you hire that person? I think the obvious, commonsense answer—and the answer that we employ every day when we interview applicants—is no, we wouldn't do that. And yet, we are compelling small businessmen and women across this country to hire those who, they know in their heart when they come in, are going to disrupt the workplace and undermine the economic viability of the business and ultimately destroy them.

This legislation is modest. It is appropriate. I ask my colleagues to invoke cloture so that we can pass this bill for the benefit of small business men and women across this country.

Mr. KENNEDY. Mr. President, I understand that I have 32 seconds remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, this issue was considered by the Supreme Court of the United States with a number of Justices that were nominated by Republican Presidents, and it was decided 9 to 0—not 7–2, not 8–1, 9 to 0—to sustain the arguments that we have presented here this afternoon. The Senator wants to overturn that decision here this afternoon, and I hope that we will not do so.

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

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

The PRESIDING OFFICER. The Senator has 20 seconds remaining.

Mr. HUTCHINSON. This legislation does not overturn that Supreme Court decision, as I know. That court decision involved the issue of whether you could be a paid union employee and be a bona fide employee for another company, and you can't. This doesn't deal with that. This deals with the destructive practice of going in with the primary purpose of not organizing but destroying the employer.

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

Mr. HUTCHINSON. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

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 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, Kit Bond.

CALL OF THE ROLL

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

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1981, the Truth in Employment Act, 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.

Mr. NICKLES. I announce that the Senator from New York (Mr. D'AMATO) and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Ms. MOSELY-BRAUN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

The yeas and nays resulted—yeas 52, nays 42, as follows:

[Rollcall Vote No. 266 Leg.]

YEAS—52

Abraham	Gorton	McConnell
Allard	Gramm	Murkowski
Ashcroft	Grams	Nickles
Bennett	Grassley	Roberts
Bond	Gregg	Roth
Brownback	Hagel	Santorum
Burns	Hatch	Sessions
Chafee	Helms	Shelby
Coats	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Jeffords	Stevens
Craig	Kempthorne	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Warner
Faircloth	Mack	
Frist	McCain	

NAYS—42

Akaka	Dorgan	Landrieu
Baucus	Durbin	Lautenberg
Biden	Feingold	Leahy
Bingaman	Feinstein	Levin
Boxer	Ford	Lieberman
Breaux	Glenn	Moynihan
Bryan	Graham	Murray
Bumpers	Harkin	Reed
Byrd	Inouye	Reid
Campbell	Johnson	Robb
Cleland	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Wellstone
Dodd	Kohl	Wyden

NOT VOTING—6

D'Amato	Mikulski	Specter
Hollings	Moseley-Braun	Torricelli

The PRESIDING OFFICER (Mr. ALLARD). On this vote the yeas are 52, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Just to inform Members, we will have a second vote momentarily, but it will not be very long, I don't think. I believe the Democratic leader is going to have some brief remarks and then I have one Member

who wants to have remarks printed in the RECORD, and Senator CRAIG wishes to make closing remarks on our side. So after a relatively brief period of time we will have another vote, and then that will be the last vote for tonight.

Again, I am going to talk to Senator DASCHLE, but I believe the next vote will be at 2:15 tomorrow afternoon, after the luncheon.

I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1998

The PRESIDING OFFICER. Under the previous order, the Senate will continue with the consideration of the bill.

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3580

Mr. DASCHLE. Mr. President, I understand all time has expired on the pending amendment. I choose to use my leader time.

Mr. LEAHY. Mr. President, could we have order? The leader is entitled to be heard. The Senate is not in order.

The PRESIDING OFFICER. The Senate will please come to order. Senators will please take their conversations to the cloakroom. We would like to have quiet in the Chamber.

The minority leader is recognized.

Mr. DASCHLE. I thank the Chair, and I yield 2 minutes to the Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my leader from South Dakota.

Mr. President, I think many minds on this amendment are already made up. I, just for a couple of minutes, would like to speak to those Senators who have not yet made up their minds. The point very simply is this: There are a good number of farmers and ranchers. I daresay most of them are in dire straits through problems and conditions that are no fault of theirs. They didn't cause them.

Prices for their products are way below cost of production, whether it is wheat, cattle prices, whatnot. For example, in my State of Montana, farmers are getting $2 a bushel. They subtract from that $1 a bushel for freight costs and that ends up $1 a bushel. The price of a loaf of bread in the supermarkets is pretty close to that. There is no way in the world a farmer can begin to make ends meet in these conditions, and that is true for most farmers.

The amendment before us is very simple. It just says take the cap off the loan rates just for crops that are harvested in 1998—not for next year, just 1998—to put a little bit of cash in farmers' pockets to help them pay the loans, to help them make the payments to the bank, to help them just a little bit. I must tell you, raising the caps is nowhere close to solving the problem. It is just a little bit.

Why are prices so low? Very simply, because of worldwide production, countries are subsidizing producing wheat.

Second, we are in dire straits because of the Asian crisis. Asia is not buying anymore.

Third, because the U.S. dollar is so high. Farmers didn't cause those problems, but farmers are facing those problems, and in some parts of the country, there is a drought, there is flooding, there is infestation of insects. They are stuck.

The only argument of any credibility I have heard against this amendment——

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

Mr. BAUCUS. I ask for 1 additional minute.

Mr. DASCHLE. I yield 1 additional minute.

Mr. BAUCUS. I thank the Senator. The only credible argument I have heard against this amendment is it breaks open Freedom to Farm and it might raise worldwide prices because you are raising loan rates. The short answer to that is we are not opening Freedom to Farm. This is just a 1-year, temporary payment to meet an emergency. And secondly, we have no idea what the prices are going to be next year. We have no idea.

We can't let perfection be the enemy of the good. At least adopt this amendment to help farmers right now. We will worry about next year, next year. This amendment is very much needed.

Mr. President, I very much thank the Senator from South Dakota for yielding this time.

Mr. DASCHLE. Mr. President, I yield 2 minutes to our ranking member, the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, this amendment is going to save a lot of farmers and do it in a cost-effective manner and a manner that is sound financially. It looks as though we are going to come down on one or two courses here. We either are going to raise the caps on loans and provide a loan rate increase to farmers, or we are going to have some kind of direct payment to farmers. I hear rumbling around that there is going to be a big, massive multibillion-dollar check to go out to farmers this year.

I said earlier there is a poll released today of 1,000 farmers—Mr. President, may we have order? I can't even hear myself think.

The PRESIDING OFFICER. The Senate will please come to order. The Senator from Iowa.

Mr. HARKIN. I thank the President. A poll came out today of 1,000 farmers taken nationwide by a polling firm. It was done for the Nebraska Wheat Growers, American Corn Growers and the Nebraska Farmers Union—1,000 farmers.

Two questions I will point out: One, Congress should modify the current farm program. Yes, 76.9 percent; no, 17 percent.

Congress should lift loan caps and raise loan rates 59 cents per bushel on wheat and 32 cents on corn. Yes, 72.5 percent; no, 19.4 percent.

Over 3 to 1. Farmers recognize this is the best way to proceed rather than getting a direct payment. Keep in mind, if we raise the loan rates, it gives the farmer a marketing tool. The farmer can get the loan and hold on to the crop. If prices go up next year, the farmer can sell that crop and then pay the loan back to the Government with interest.

If, however, we are just going to get a bunch of money and send it out to farmers in a payment, there is no chance that any of that money is ever going to come back to the Government. Keep in mind, these loans have interest charges, and if farmers pay those loans back, they pay them back with interest.

Secondly, if we make a payment to farmers this fall, as I hear some people want to do, just one big lump sum, just a check that goes out, a lot of those people getting that money will not be in farming next year, and it won't go to the producers.

The PRESIDING OFFICER. The Senator has used his 2 minutes.

Mr. HARKIN. I ask for 30 seconds.

Mr. DASCHLE. I yield the Senator an additional 30 seconds.

Mr. HARKIN. If the loan rates go up, the loan rates increase, it goes to producers; it gives them a marketing tool whereby they can take the grain and market when they want and not just dump it all out there this fall. That is why we have to remove the loan caps that are in the farm bill of 1996. I yield the floor.

Mr. DASCHLE. I yield to the distinguished Senator from Louisiana.

Ms. LANDRIEU. Mr. President, two months ago, I joined my colleagues in requesting assistance for our Nation's farmers in Louisiana and other parts of the Nation who are on the brink of bankruptcy. Not because they are bad farmers but as a result of natural disasters and prices that they cannot control.

In Louisiana, farmers are experiencing the most severe agriculture disaster it has been subjected to in the last 100 years. The Louisiana State University (LSU) Agricultural Center has estimated crop losses at $391 million. When losses due to aflatoxin in corn and livestock losses are added, the State is projecting escalated losses of $450 million. If no effective disaster relief is provided, Louisiana will lose 35–40 percent of its farmers. Without these farmers the State projects that its economy will lose an additional $1 billion.

Mr. President, this is a very serious situation, one that warrants an effective solution for the disaster situation

facing the South and the income losses facing the Midwest. For Louisiana, relief needed is twofold: One, production loss related to the drought and heat and two, economic. For other areas, income loss assistance needed is different.

The major problem in providing equitable relief is that while the Midwest has bumper crops and no price, the South has no crops and no price. Therefore, I am very concerned that while this amendment will provide help to some, it does not go near far enough to ensure that Louisiana farmers are provided the emergency disaster assistance that they need to make it another year.

For example, under the current legislation being debated a corn farmer in the Midwest who produces a normal yield of 120 bushels per acre under a loan rate of 30 cents per bushel would receive a Loan Deficiency Payment (LDP) of $36 per acre. In the South, a corn farmer who produced only 50 bushels per acre, due to the drought, under the same loan rate would only receive a LDP of $15 per acre. A corn farmer in the South whose corn had to be destroyed due to aflatoxin would receive no LDP whatsoever.

The bottom line is that higher loan rates only benefit producers on actual production sold. The only way higher loan rates would benefit producers whose production was substantially reduced would be to make an economic payment on the lost production in addition to the bushels harvested. Therefore, while this may help farmers in the Midwest, it provides little to no assistance to farmers in the South.

The other provision in the underlying amendment that may be more helpful in providing disaster assistance to Louisiana is the $1.5 billion included in the amendment to replenish the national disaster reserve. However, the details in how USDA would implement this measure to provide disaster assistance to farmers with only one year losses, such as in the case of Louisiana, is unclear.

As I have previously stated, the reasons for the income loss related problems facing farmers in Louisiana and other parts of the U.S. are quite different, but the results are the same. Only through direct assistance, can Louisiana farmers be helped.

For Louisiana and other Southern States, many farmers will not see next year and grow the crops that provide Americans with the safest food supply in the world. Time and time again, when a natural disaster has struck, the Congress has provided the help needed to rebuild our cities and towns. Should we provide help to family farms that are facing an economic disaster beyond their control? Absolutely. It is now time that the Congress work on the bipartisan basis to provide direct financial assistance to our farmers just like we provide assistance to other individuals who have faced disasters beyond their control.

Mr. President, I urge my colleagues to join me and my senior colleague from Louisiana, Senator BREAUX, in working to ensure this assistance is provided fairly to all farmers, including farmers in Louisiana and the South.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I thank my colleagues for their eloquent comments and the contributions they have made to this debate all afternoon. I will be very brief, because I know that Senators wish to express themselves on this amendment, and we will accommodate that.

There are two points I want to make. The first is that since the Senate has attempted to address this problem in July, the situation has worsened immeasurably. To the extent that we can measure it, it is simply important for all of us to understand that prices have fallen dramatically just in the last 6 weeks.

For July, corn prices have fallen 28 percent. For wheat, since July, prices have fallen an additional 20 percent. For soybeans, an additional 20 percent, and that is just since July. The bottom has fallen out of the market. The situation continues to worsen.

Mr. President, we have no choice but to take as immediate an action, as comprehensive an action as we possibly can to address this problem. Very simply, the second point is to simply address one last time what it is we attempt to do.

The Senator from Iowa ably, again, articulated why we need to increase the cap on the marketing loan. That is No. 1.

No. 2, so farmers aren't forced to move their grain onto the market, we give them the opportunity to store their grain on an emergency basis. Let me remind my colleagues, we are only talking about a 1-year authorization, first for the loan rate, and second for the storage.

Third, we provide indemnity losses. The Senator from Louisiana is right and the senior Senator from Louisiana has expressed his concern to me about how this problem is spreading. Louisiana is hit even harder now than they were last July. So the indemnity proposal is absolutely essential if we are going to address the multiplicity of problems we have in agriculture nationally.

The fourth is that we go back to the issue that we discussed earlier on mandatory price reporting. If we are ever going to change the livestock situation, we must get rid of the secret deals. We must make sure that they—that is livestock producers—have the same opportunities for open and fair competition as others. Mandatory price reporting will do that.

And then finally, we believe that we need to make consistent in agriculture what we have done in every other commodity and industry for as long as I know, and that is, simply label the products when they are imported. We do it for every other product. We ought to do it for the food we eat.

Mr. President, basically that is what we are proposing today, to address this problem in as comprehensive a way, recognizing that in both livestock and grain we have a serious problem. We cannot wait any longer. This issue must be addressed. This amendment does it.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. From my leader time, I yield such time as he may consume to the Senator from Idaho, Senator CRAIG.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, is there a farm problem? You bet there is. Is there a farm crisis? Yes. On most farms in America today, if you are below the cost of production, and you have a debt, you have a problem. The Senators on the other side of the aisle are absolutely true to what they speak. And I could have used every one of their charts this afternoon for the very same message.

We have a crisis in American agriculture. Is it a result of Freedom to Farm? No. It is a combination of everything coming together, the loss of our markets in Asian countries and tremendous overproduction. Thank goodness, it is a blessing in most countries when agriculture overproduces; it is a crisis in ours because it shoves down the price of commodities.

Yes, Mr. President, we have a crisis in farm country. Have we recognized it? Yes, we have. And we started doing something about it before we adjourned here in August. We passed and reauthorized the agriculture research title. We advanced the fiscal year 1999 transition payment. We revoked sanctions on India and Pakistan to try to move some of our product into the market.

We approved significant reform in the farm labor program. We established a binational commission to examine the concern that we have with beef prices and with the flood of Canadian meat coming into our market. We required international programs to purchase American commodities. And we passed a sense-of-the-Senate resolution encouraging USDA to use existing authorities to help wheat farmers. Did it raise the price of wheat at the farm bin? It did not. But it sets in motion a variety of opportunities to begin to move that.

What further should we do? Frankly, Mr. President, there is a great deal more we should do. The chairman of the Ag Committee has announced he

will reexamine much more thoroughly sanctions and trade reform to open up the 11 percent of the market that our farmers are now exempt from or cannot get to. We have talked about and we will do meaningful tax reform.

Our colleague from Kansas has talked about making sure that crop insurance is the right kind of insurance so that the production agriculture buys it and uses it to insure their crops, to insure their income against disaster, against drought for an income purpose. We are working on that. We have to get that done next Congress, come heck or high water.

And then let us look at a lost market compensation payment. The Senator from Iowa says that is so much money, just throw it out to the farmer. It is something we can buy and afford to buy. It is not a $7 billion program off-budget, no offsets—emergency spending proposed by our colleagues on the other side of the aisle.

Senators, this is a $7 billion program you are being asked to vote on tonight. Stop and think about it. We have not worked together. When we solve agricultural problems, we come together. All of those items that I mentioned we passed before the August recess, we did it in a bipartisan way. We did not open the farm bill. We did not open Freedom to Farm.

I would hope you stand behind the chairman of the Senate Ag Committee tonight on a motion to table. Does that mean this issue is gone? Absolutely not. We are meeting now and we will meet tomorrow. I would hope, too, that my colleagues on the other side of the aisle would come down and sit with us and look at what we can do. Are we going to spend some money? Yes. We are going to spend some money so that agriculture does not go bankrupt. And we have got to do it. But I suggest that lifting a loan cap does not solve that problem on the short-term basis and the long-term basis. Then it becomes so easy to extend it, and then it is $8 or $10 billion or more.

So this is not the last vote we are going to have tonight or tomorrow or before this Congress adjourns to deal with a real farm crisis, be you a grain producer, a hog farmer, a cattle rancher—soybeans, corn, you name it. They are not making money. They are losing millions.

We ought to be sensitive to assuring that there is some kind of baseline out there this year so that the farmer can be in production next year. We will accomplish that here in the Senate, if we recognize that and come together to get it done.

I do not believe this is a solution to the problem. I encourage all of our colleagues to stand with the chairman of the Ag Committee—vote to table this amendment.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. I yield the remainder of my time to Senator ROBERTS. I understand we have one other Senator who would like to speak briefly, Senator BREAUX. But first I yield that time to Senator ROBERTS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. I thank the distinguished majority leader for yielding.

Mr. President, I rise today in opposition to the amendment offered by the Senator from Iowa and to present what I believe will be an important plan to help our farmers and ranchers get through the current low prices and natural disasters they are experiencing.

Mr. President, there are indeed areas of rural America facing economic hardships caused by drought, flooding, wheat scab, and low prices. The question here is: will raising loan rates provide the cash flow assistance that farmers need? Or, will it create an additional set of issues that simply exacerbate the current problem?

We have consistently heard on this floor that there is no longer a "safety net" for America's farmers. Yet, we do not hear that under the 1996 farm bill, farmers have received over $6 billion more in payments than they would have received under the old farm bill. We do not hear about the transition payments producers are receiving on 85 percent of their historical yields. And, we do not hear about the Loan Deficiency Payments (LDPs) producers are receiving under the 1996 legislation. Recent estimates show that producers may obtain up to $3 billion in LDPs on their 1998 crops—in addition to their transition payments.

This is a "safety-net!"

Let me repeat: We have a "safety-net!"

Raising and extending loan rates does not improve producer incomes. Extending the loan rate actually results in lower prices in the long-run. Extending the loan for six months simply gives producers another false hope for holding onto the remainder of last year's crop. Farmers will be holding onto a portion of the previous year's crop, while at the same time harvesting another bumper crop in 1998.

As I stated during debate on the Agricultural Appropriations bill, rolling over the loan rate actually increases the amount of grain and soybeans on the market and results in lower prices—not higher prices. Since excess stocks will continue to depress prices, will we then extend the rate again? It will become an endless cycle that costs billions of dollars, and which will eventually lead to a return to planting requirements and set-aside acres in an attempt to control agricultural output and limit the budget effects.

Extending and raising loan rates will only serve to exacerbate the lack of storage associated with the transportation problems in rural America because it causes farmers to hold onto their crops and fill elevator storage spaces. Kansas still has wheat on the ground from this year's near record wheat harvest and we have begun to harvest what are expected to be record or near record corn, sorgham, and soybean crops. Raising loan rates will worsen the storage problems we are already facing.

It is also argued raising loans rates allows farmers to wait for a higher price. However, a study by Kansas State University looked at the years 1981 through 1997 and compared farmers' earnings if they held wheat in storage until mid-November versus selling at harvest. In all but five years, farmers ended up with a net loss as storage and interest costs exceeded grains in prices. Raising rates simply provides a false hope to farmers.

Mr. President, I think we must also ask several important question that have not been addressed by the advocates of this plan.

How do higher loan rates help producers who have suffered crop failures and have no crop to put under loan?

If loan rates will raise prices—as has been argued by the advocates—what will this do to feed prices for livestock producers who are in many instances facing more severe economic situations than grain producers?

How do higher loan rates help wheat producers that have already harvested and marketed their crops?

It is argued this action is needed to raise prices because the 1996 Farm Bill has caused the low prices we are currently experiencing. What about the low prices we experienced under the previous program in the mid-1980s and early 1990s? What was the cause of those programs?

Mr. President, it is obvious this plan will not work and will not assist all producers. Therefore, I am proposing the following five point plan which will be supported by many Republicans and which I believe can also garner bipartisan support.

The plan addresses cash flow concerns, crop insurance, the tax burden on farmers, trade, and the Conservation Reserve Program.

It is obvious we must provide some form of cash flow assistance to all farmers, including those who did not or will not have a crop to harvest. Therefore, I propose a "Farmer Income Assistance Program" which will ensure that all farmers receive some form of cash assistance. I know of no other way to address the multiple problems of farmers with one year of crop losses, multi-year crop losses, and those with large crop but no price. This is the fairest method available to us, and it will ensure that no producer slips through the cracks.

Mr. President, we must also take important steps to reform the crop insurance program. One of the most common complaints I hear from my farmers is that cop insurance does not

work. They argue the policies available do not address their needs, not do they get adequate coverage for the money they invest in insurance policies.

A large problem with the program is the roadblocks the Risk Management Agency (RMA) has repeatedly put up to halt or slow down the development and expansion of many private policies. At the same time RMA acts as the regulator over these private companies, it is also developing and selling products in direct competition with the insurance companies. I know of no other industry facing these same roadblocks.

Mr. KERREY and I have long been committed to major reforms of the crop insurance program. And, we are circulating a proposal to pursue these goals. However, it will be difficult to pursue major reforms in the short period of time remaining this session. Therefore, I propose several minor changes this fall to improve the program followed by what I hope will be serious reform next year. The proposed changes include:

Providing a proportional subsidy for all coverage levels up to 75 percent. Farmers often buy only the lowest level of coverage because that is where the highest subsidy levels occur.

Increase the subsidy rate so that it is the same for all revenue insurance contracts as for other all forms of crop insurance.

Mr. President, we must also pursue real tax reform that benefits our farmers and ranchers. We must pursue tax legislation that includes: 100 percent deductibility of self-employed health care; permanent extension of income averaging for farmers; farmer savings accounts; and reductions in the capital gains rates.

I realize some will argue that capital gains reductions do not help farmers. However, I would advise my colleagues on the other side of the aisle that a recent report by the Department of Agriculture recently stated that the greatest level of benefits to farmers from the 1997 Taxpayer Relief Act has come from the reduction in the capital gains rate.

Increased access to world markets is an important step that must be taken. Our farmers and ranchers simply cannot be successful without access to foreign markets. The most important toll to obtaining these markets is to pass fast track trade negotiating authority for the President. Secretary of Agriculture Dan Glickman has stated on several occasions that trade is the "safety-net" for America's farmers and ranchers. Last fall's failure to pass fast track is the single most important foreign policy blunder for agriculture since the shattered glass embargo policies of the late 70s and early 80s. We must pass fast track now.

Finally, Mr. President, USDA should announce a new Conservation Reserve Program (CRP) sign-up sometime this fall. I checked the Farm Service Agency (FSA) website before coming to the floor, and it stated that as of October 1998 there will be just over 30 million acres enrolled in the CRP. The Secretary is allowed to enroll up to 36.4 million acres, and I encourage him to enroll the maximum number of acres during this fall's sign-up. This is an important action which the Secretary does not need additional Congressional approval to undertake, and it will help to take many acres of high risk land out of production—particularly in the Northern Plains.

Mr. President, to summarize the plan is as follows: Income assistance payments; crop insurance reform; tax relief; increased trade; and full enrollment in the CRP.

This is not a plan which is set in stone. It is open to change, and I am happy to work with my colleagues on both sides of the aisle to undertake a plan to assist America's farmers.

I am hopeful my colleagues will work with me in a bipartisan manner. I do not question the desire of my colleagues on the other side of the aisle to help our producers. I simply think their approach will do more harm than good.

We tried to increase loan rates in the early and mid-1980s. It led to excess production and excess stocks that brought agriculture to its knees and greatly contributed to the agricultural crisis of the 1980s.

Mr. President, we tell our children that we study history so we will not make the same mistakes of the past. Past history shows us the Senator from Iowa's plan will not work. I hope that we have learned our lesson and will take the steps necessary to help agriculture move into the 21st Century and not mired in the broken policies of the 20th Century.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Do I have any time remaining?

The PRESIDING OFFICER. Yes.

Mr. LOTT. This is unusual. But in the hope that he will be brief, I yield the balance of that time to Senator BREAUX. I am sure he will speak against this amendment in that time.

Mr. BREAUX. Thank you for the time.

I make one point very quickly, and the point is this: Our friends in agriculture in the northern part of the United States have a problem: They have a crop but they have a very poor price that doesn't allow them to continue. They need help. That is why the loan level is being increased—to try to help those.

For those of us who represent the southern areas, our problem is the opposite: Because of the drought, we don't have any crop. It is not a question of local price. There is no crop to sell at any price.

One of the sections that is in this bill says that the Secretary may use funds made available under this section to make cash payments that don't go for crop disasters but for income loss.

Now, as a representative of an area that has a crop disaster, it seems to me I am being written out of any help at all. If that is the case, I would like to know about it.

Maybe my friend from North Dakota can respond, and I yield to him.

Mr. CONRAD. If I might respond to the Senator from Louisiana and assure him, as the author of this provision, it is designed specifically to help every State that has experienced income loss.

Mr. LOTT. How much time is left?

Mr. BREAUX. I ask unanimous consent that Senator CONRAD may complete the response to my question.

Mr. CONRAD. I just say to the Senator from Louisiana, this is specifically designed to help every State that has suffered income loss. The reason the funding has been expanded is because of the losses in Louisiana, the losses in Oklahoma, the losses in Texas, the losses in Georgia.

This is designed to help every State that has experienced income loss, including the Senator's State of Louisiana.

Mr. BREAUX. I yield the floor.

The PRESIDING OFFICER. Under the previous order, we will proceed to vote. The question is on the motion to table the Daschle amendment. The yeas and nays have been ordered. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from New York (Mr. D'AMATO), and the Senator from Pennsylvania (Mr. SPECTER) are necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS), the Senator from Maryland (Ms. MIKULSKI), the Senator from Illinois (Ms. MOSELEY-BRAUN), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

I further announce that, if present and voting, the Senator from Illinois (Ms. MOSELEY-BRAUN), would vote "no."

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

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 267 Leg.]

YEAS—53

Abraham	Enzi	Jeffords
Allard	Faircloth	Kempthorne
Ashcroft	Feingold	Kyl
Bennett	Frist	Lott
Bond	Gorton	Lugar
Brownback	Gramm	Mack
Campbell	Grams	McCain
Chafee	Grassley	McConnell
Coats	Gregg	Murkowski
Cochran	Hagel	Nickles
Collins	Hatch	Roberts
Coverdell	Helms	Roth
Craig	Hutchinson	Santorum
DeWine	Hutchison	Sessions
Domenici	Inhofe	Shelby

Smith (NH)	Stevens	Thurmond
Smith (OR)	Thomas	Warner
Snowe	Thompson	

NAYS—41

Akaka	Dorgan	Lautenberg
Baucus	Durbin	Leahy
Biden	Feinstein	Levin
Bingaman	Ford	Lieberman
Boxer	Glenn	Moynihan
Breaux	Graham	Murray
Bryan	Harkin	Reed
Bumpers	Inouye	Reid
Burns	Johnson	Robb
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Wellstone
Daschle	Kohl	Wyden
Dodd	Landrieu	

NOT VOTING—6

D'Amato	Mikulski	Specter
Hollings	Moseley-Braun	Torricelli

The motion to lay on the table the amendment (No. 3580) was agreed to.

AMENDMENT NO. 3581

(Purpose: To provide emergency assistance to agricultural producers)

Mr. DASCHLE. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself, Mr. HARKIN, Mr. JOHNSON, Mr. KERREY, Mr. CONRAD, Mr. BAUCUS, Mr. DORGAN, and Mr. WELLSTONE, proposes an amendment numbered 3581.

Mr. DASCHLE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 199, between lines 15 and 16, insert the following:

TITLE VII—EMERGENCY AGRICULTURAL ASSISTANCE

SEC. 701. MARKETING ASSISTANCE LOANS.

(a) MARKETING ASSISTANCE LOANS.—

(1) LOAN RATES.—Notwithstanding section 132 of the Agricultural Market Transition Act (7 U.S.C. 7232), for crop year 1998, loan rates for a loan commodity (as defined in section 102 of that Act (7 U.S.C. 7202)), other than rice, shall not be subject to any dollar limitation on loan rates prescribed under subsection (a)(1)(B), (b)(1)(B), (c)(2), (d)(2), (f)(1)(B), or (f)(2)(B) of section 132 of that Act.

(2) RICE.—Notwithstanding section 132(e) of that Act, for crop year 1998, the loan rate for a marketing assistance loan under section 131 of that Act (7 U.S.C. 7231) for rice shall be not less than the greater of—

(A) $6.50 per hundredweight; or

(B) 85 percent of the simple average price received by producers of rice, as determined by the Secretary of Agriculture, during the marketing years for the immediately preceding 5 crops of rice, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period.

(3) TERM OF LOAN.—Notwithstanding section 133(c) of that Act (7 U.S.C. 7233(c)), for crop year 1998, the Secretary may extend the term of a marketing assistance loan for any loan commodity for a period not to exceed 6 months.

(b) APPLICATION.—

(1) IN GENERAL.—The authority provided by this section applies to the 1998 crop of a loan commodity.

(2) LOANS.—This section applies to a marketing assistance loan for a loan commodity made under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) for the 1998 crop year before, on, or after the date of enactment of this Act.

SEC. 706. EMERGENCY REQUIREMENT.

(a) BUDGET REQUEST.—The entire amount necessary to carry out this title and the amendments made by this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION BY CONGRESS.—The entire amount of funds necessary to carry out this title and the amendments made by this title is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

Mr. DASCHLE. Madam President, I ask unanimous consent that my amendment be laid aside to accommodate the amendment to be offered by the Senator from Arkansas.

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

Mr. DASCHLE. I yield the floor.

UNANIMOUS CONSENT AGREEMENT—S. 2279

Mr. LOTT. Madam President, I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to the consideration of S. 2279, the Wendell Ford National Air Transportation System Improvement Act. I further ask that during the pendency of S. 2279 only relevant amendments be in order to the bill.

Mr. DASCHLE. Madam President, in spite of the extraordinarily good name this bill has, I just inform the majority leader that we are still negotiating. We hope that we can come to some accommodation here. I would personally like to see this legislation pass, but we are not there yet. On behalf of colleagues on this side, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Madam President, on this subject, this is a very important Federal Aviation Administration bill. It is critical and is must-pass legislation. I discussed it briefly with Senator DASCHLE and he indicates that he will work to see if we can clear any objections or holds that we might have on it. It involves billions of dollars in airport improvement grants, which cannot be distributed without the authorization bill that has been named the Wendell Ford bill, since he has been a member of the committee and has worked on this particular bill and its authorization for many years. It would provide funding for projects at nearly every airport in the Nation and for work that is really essential. I hope we can come to an agreement on this and get it up for consideration within the next 2 weeks so it won't get caught up and lost at the end of the session. So I will be talking further to Senator DASCHLE about this and any Senator that might have any problems. I know Senator MCCAIN wishes to speak on this.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Madam President, I thank the majority leader for trying to move this legislation. I thank the Democratic leader for expressing his willingness to try to work something out. But I also have to express my disappointment that we can't reach agreement yet on a manner to proceed to the consideration of the Wendell H. Ford National Air Transportation System Improvement Act. I pledge to do whatever I can within my power to work with my colleagues on a way to move forward with this critical legislation.

This reauthorization bill is a must-pass piece of legislation. The bill must be reauthorized before the end of this fiscal year, or airport grants across the Nation will lapse. Grants to our airports will stop regardless of whether the transportation appropriations bill is signed into law or not.

Madam President, the bill allows for approximately $2 billion to be spent annually on safety and security improvements, as well as capacity enhancements, at public use airports across the country. Ongoing construction projects at hundreds, if not thousands, of airports will be jeopardized if Congress doesn't act before the end of September. Funding for noise grants will halt, as well as funding for important FAA Letter of Intent projects.

Madam President, coincidentally, the State of Texas happens to entail $26,942,447.

This bill authorizes a number of safety initiatives, as well as provisions to promote competition in the domestic airline industry. We need only to look at the crippling effect of the Northwest Airlines strike to understand the need to advance legislation that enhances capacity at and access to our most congested airports.

We must move quickly on this bill. Otherwise, we run the risk of the bill's getting caught up in unrelated politically charged issues at the end of the session.

Also, we need to take the time to move through the appropriate process on this bill. There are too many significant improvements in the Senate reauthorization bill which would die on the vine if we don't proceed to consideration of the Senate version of the bill. Both the House and the Senate have

completed action on their respective 1999 transportation appropriations bills and are currently moving towards conference. Without an authorization bill these funds would be unavailable obligations to our Nation's airport.

I ask unanimous consent that the Letters of Intent, as well as the Airport Improvement Program Formula Distributions, some $2.1 billion, be printed in the RECORD.

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

LETTERS OF INTENT

Current letters of intent assume the following fiscal year 1999 grant allocations:

Arkansas: Fayetteville (northwest Arkansas)	$5,000,000
Colorado: Denver International	24,931,000
Georgia: Hartsfield Atlanta International	7,083,000
Illinois:	
Mid-America, Belleville reliever	14,000,000
Chicago Midway	3,000,000
Kentucky:	
Greater Cincinnati	6,000,000
Louisville	18,243,000
Michigan: Detroit Metropolitan	16,400,000
Mississippi: Golden Triangle	300,000
Nevada: Reno/Tahoe International	6,500,000
New York: Buffalo International	1,700,000
Rhode Island: Theodore F. Green State	6,500,000
South Carolina:	
Hilton Head	558,000
Florence Regional	94,000
Tennessee:	
Nashville International	555,000
Memphis International	18,733,000
Texas:	
New Austin at Bergstrom	11,430,000
Dalls/Ft. Worth International	12,500,000
Midland	1,327,000
Virginia: Reagan Washington National	14,232,000
Washington: Seattle-Tacoma International	4,400,000
Total	173,486,000

(Source: United States Senate Report 105-249, Department of Transportation and Related Agencies Appropriations Bill, 1999; pp. 86)

In addition, there is $500,000,000 in discretionary funds available for assignment by the FAA after the authorization and appropriations process has been completed.

AIRPORT IMPROVEMENT PROGRAM FORMULA DISTRIBUTIONS

[Estimated FY98 entitlement and State allocations, Total formula funds at $2.1 billion][1]

Alabama	$5,823,950
Alaska	31,277,460
Arizona	8,759,576
Arkansas	4,577,601
California	31,086,667
Colorado	7,958,160
Connecticut	2,809,935
Delaware	635,295
District of Columbia	468,506
Florida	13,064,255
Georgia	8,040,687
Hawaii	1,186,786
Idaho	5,134,047
Illinois	11,777,613
Indiana	6,148,104
Iowa	5,065,177
Kansas	6,193,550
Kentucky	4,932,788
Louisiana	5,778,788
Maine	2,734,919
Maryland	4,298,977
Massachusetts	5,091,338
Michigan	12,190,141
Minnesota	7,873,545
Mississippi	4,490,016
Missouri	7,558,689
Montana	8,289,328
Nebraska	5,247,768
Nevada	6,692,991
New Hampshire	1,334,174
New Jersey	6,348,164
New Mexico	7,508,916
New York	16,573,616
North Carolina	7,827,567
North Dakota	4,180,687
Ohio	10,647,533
Oklahoma	6,061,992
Oregon	7,247,957
Pennsylvania	11,505,588
Puerto Rico	2,632,148
Rhode Island	832,693
South Carolina	4,302,524
South Dakota	4,559,359
Tennessee	5,936,395
Texas	26,942,447
Utah	5,752,302
Vermont	933,033
Virginia	6,947,024
Washington	7,410,694
West Virginia	2,638,950
Wisconsin	7,204,305
Wyoming	5,421,196
Insular areas	2,564,100
Total	388,500,000

[1] The list includes airport entitlement funds and State funds that would be foregone in fiscal year 1999, assuming the Senate AIP appropriations level of 2.1 billion dollars. These figures don't include discretionary grants & LOI payments.

(Source: United States Senate Report 105-249, Department of Transportation and Related Agencies Appropriations Bill, 1999; pp. 80-1).

(Note: This does not include funds allocated to states for general aviation, relieve, and non-primary commercial service airports, nor does it include nearly half a billion dollars in discretionary grants the FAA will allocate in FY99.)

Mr. MCCAIN. Madam President, finally, in summary, let me just say we worked hard on this bill. There are some things that are controversial. We sat down and worked—I see the Senator from Illinois on the floor—on the issue of Chicago O'Hare. We worked with Senator WARNER on the issue of National Airport. We worked with a lot of other people.

We need to move this legislation forward. I want to tell my colleagues that I have a commitment from the chairman of the Appropriations Committee that he will not put a temporary reauthorization on the appropriations bill if we don't reach a resolution of the authorization bill. I have been working on a couple of these issues for now 10 years. I do not intend to see it delayed further. I am committed to seeing this reauthorization take place.

I look forward to working with all of my colleagues in trying to resolve any differences that we might have.

I thank the majority leader for trying to move this legislation at this time. I appreciate the Democrat leader's commitment to working in trying to work this thing out.

I yield the floor.

Mr. DURBIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent that I be recognized for not more than 10 minutes as if in morning business.

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

BASEBALL HISTORY

Mr. DURBIN. Madam President, I am fortunate to be a Senator representing the great State of Illinois, the great city of Chicago, at great ballpark named Wrigley Field.

Yesterday afternoon it was my good fortune to see at least part of the very historic game, a game between the Chicago Cubs and the Milwaukee Brewers, which will now be part of baseball history. It was a game attended by 40,846 fans at Wrigley Field, and several hundred of us on the rooftops and around the field watched and marveled. Not only was it a great baseball game with the Cubs' victory, but it was a historic game for a very important person. Any newspaper you picked up in Chicago, or Illinois, or perhaps across the country, this morning let everyone in on the fact that baseball history was made yesterday in Wrigley Field.

Paul Sullivan, a Tribune staff writer for the Chicago Tribune put it in lyric words that I would like to read:

With the shadows creeping over the right field vines, and the crowd on its tiptoes, Sosa took hold of an Eric Plunk fastball in the ninth inning and sent it screaming onto Waveland Avenue for number 62, in the greatest home run chase the game has ever seen.

I was happy to be there and to see home run 62. I am happy to represent the State which has in it such a fine man playing as Sammy Sosa. We are really blessed—those of us who follow baseball—to have this wonderful home run derby, and have two extraordinary individuals involved in it.

Mark McGwire of the St. Louis Cardinals also sent 62 home runs this year, eclipsing the record of Babe Ruth, as well as Roger Maris. It is good to know that Mark McGwire is a good person. He announced early in the season that he would be donating $1 million of his salary this year for those children who have been physically and sexually abused. He has a heart, and he has shown it many times.

Then there is Sammy Sosa, from the Dominican Republic.

If you will recall the scene last week when Mark McGwire was breaking the record to be the first to do so, there was Sammy Sosa in right field. He could not have been more supportive and more congratulatory. There is a true friendship between the men.

As Mark McGwire received all of this attention and adulation, Sammy was there to cheer him on. Yesterday, Sammy Sosa matched Mark McGwire with 62 home runs. He continued to praise him as a friend and hoped that they both had good luck in this home run derby in the remaining games.

It tells us a lot about baseball. It tells us a lot about these two men.

Sammy Sosa comes from particularly humble beginnings, starting off in the Dominican Republic. One of my favorite quotes during the course of the season is someone went to Sammy Sosa and said, "Aren't you under a lot of stress because of this race for the home run title?" And he said, "You think this is stressful, earning a living as a shoeshine boy in the Dominican Republic is stressful." He put it all in perspective.

He has been gracious and friendly. He has been a true sportsman throughout this race. He deserves our praise and our cheers as well.

All of us watch anxiously for the closing games to see who ends up with the ultimate home run record.

For those of us who are fortunate to love the game and to be watching it closely in 1998, I want to say my hat is off to Mark McGwire and especially to Sammy Sosa, who yesterday with two towering home runs over left field and into Waveland Avenue, really brought Chicago to its feet, cheering this man and all that he stands for.

I am hoping now that they will continue this race to set the record and to put the great American pastime back on its feet. I think they have done a lot for it.

I wish them both the very best. I yield the floor.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENTS NUMBERED 3582 TO 3590 EN BLOC

Mr. GORTON. Madam President, I send a group of amendments to the desk and ask that they be reported en bloc and considered en bloc.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Washington (Mr. GORTON) proposes amendments numbered 3582 to 3590 en bloc.

Mr. GORTON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

The amendments en bloc are as follows:

AMENDMENT NO. 3582

Under the heading "Bureau of Indian Affairs", "Construction" on page 33, strike the second proviso.

AMENDMENT NO. 3583

At the end of Title I, General Provisions, add the following new section:

SEC. . Notwithstanding any other provision of law, the Tribal Self-Governance Act (25 U.S.C. §458aa et seq.) is amended at §458ff(c) by inserting "450c(d)," following the word "sections".

AMENDMENT NO. 3584

(Purpose: To adjust the boundaries of the Columbia River Gorge National Scenic Area)

At the end of Title III, add the following new section:

SEC. . (a) IN GENERAL.—To reflect the intent of Congress set forth in Public Law 98-396, section 4(a)(2) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544(a)(2)) is amended—

(1) by striking "(2) The boundaries" and inserting the following:

"(2) BOUNDARIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the boundaries"; and (2) by adding at the end of the following:

"(B) EXCLUSIONS.—The scenic area shall not include the approximately 29 acres of land owned by the Port of Camas-Washougal in the South ½ of Section 16, Township 1 North, Range 4 East, and the North ½ of Section 21, Township 1 North, Range 4 East, Willamete Meridian, Clark County, Washington, that consists of—

"(i) the approximately 19 acres of Port land acquired from the Corps of Engineers under the Second Supplemental Appropriations Act, 1984 (Public Law 98-396); and

"(ii) the approximately 10 acres of adjacent Port land to the west of the land described in clause (i)."

(b) INTENT.—The amendment made by the subsection (a)—

(1) is intended to achieve the intent of Congress set forth in Public law 98-396; and

(2) is not intended to set a precedent regarding adjustment or amendment of any boundaries of the Columbia River Gorge National Scenic Area or any other provisions of the Columbia River Gorge National Scenic Area Act.

AMENDMENT NO. 3585

(Purpose: To delete funding for acquisition by the United States Fish and Wildlife Service of the Texas Chenier Plain)

On page 13, line 13, before the period at the end insert the following: ", and of which no amount shall be available for acquisition of the Texas Chenier Plain".

AMENDMENT NO. 3586

(Purpose: To direct the Secretary of the Interior to make corrections to a map relating to the Coastal Barrier Resources System)

On page 74, after line 20, add the following:

SEC. 1 . CORRECTION TO COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to restore on that map the September 30, 1982, boundary for Unit M09 on the portion of Edisto Island located immediately to the south and west of the Jeremy Cay Causeway.

(b) MAP DESCRIBED.—The map described in this subsection is the map included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled "Edisto Complex M09/M09P".

Mr. CHAFEE. Madam President, Senator HOLLINGS, on July 31, 1997 introduced a bill that makes a boundary change to Unit M09, Edisto Island, which was referred to the Committee on Environment and Public Works. It is my understanding that the amendment he is now offering is identical to your bill. Is that correct?

Mr. HOLLINGS. The Chairman of the Committee on Environment and Public Works is correct. The amendment before us is identical to S. 1104.

Mr. CHAFEE. Could the Senator please explain why the circumstances surrounding this issue are unique?

Mr. HOLLINGS. Certainly, unit M09 has been part of the coastal barrier system since the passage of the Coastal Barrier Resources Act in 1982. In 1987, a portion of Edisto Island was annexed by Colleton County from Charleston County. In 1988, after public notice and comment, the Fish and Wildlife Service recommended that this unit be expanded to include additional areas on Edisto Island. The Fish and Wildlife Service was not advised that a jurisdictional transfer had occurred and provided maps relating to Edisto Island to Charleston County, rather than Colleton. Because Colleton County did not have the appropriate maps, they provided inaccurate maps to landowners at a time when significant economic development were being made.

Mr. CHAFEE. Madam President, the Committee on Environment and Public works favorably reported out this bill last May. The area in question was correctly mapped as an undeveloped coastal barrier, but extraordinary miscommunication at the Federal, State and local levels failed to ensure that the appropriate maps were being provided to the public. As a result, when the landowner inquired from Colleton County about the status of his land with respect to the Coastal Barrier Resources System, he was given inaccurate information. The sole reason that we supported the changes made by Senator HOLLINGS' bill was because of the unprecedented and unique procedural circumstances in this case, and we do not anticipate that there would be other instances that would warrant similar changes. The law only requires Coastal Barrier Resources System maps to be on file at the United States Fish and Wildlife Service, and reporting this bill does not imply that landowners should rely on maps filed at any other location to determine whether or not their property is located within the Coastal Barrier Resources System.

AMENDMENT NO. 3587

On page 74, after line 20, add the following:

SEC. 1 . LAND EXCHANGE IN THE DISTRICT OF COLUMBIA AND PRINCE GEORGE'S COUNTY, MARYLAND.

Section 135 of the Department of the Interior and Related Agencies Appropriations Act, 1998 is amended by adding at the end the following:

"(g) ENVIRONMENTAL IMPACT STATEMENT, COMPLIANCE WITH LAW.—As a condition of the exchange of property under this subsection, the Secretary shall—

"(1) prepare an environmental impact statement in accordance with the National Environmental Policy Act, and

"(2) comply with all other applicable laws (including regulations) and rules relating to property transfers.".

Mr. SARBANES. Madam President, I am pleased to join with my colleague Senator MIKULSKI in sponsoring this amendment to require the Secretary of the Interior to prepare an environmental impact statement and comply with all other applicable laws, rules and regulations related to property transfers before engaging in a land exchange near Oxon Creek in Prince Georges County and the District of Columbia.

Section 135 of the Interior Appropriations Act of 1998 directs the Secretary of the Interior, to "accept full title to approximately 84 acres of land located in Prince Georges County, Maryland, adjacent to Oxon Cove Park, and * * * in exchange * * * convey to the Corrections Corporation of America all of the interest of the United States in approximately 42 acres of land located in Oxon Cove Park in the District of Columbia," "notwithstanding any other provision of law." The language directing this exchange was inserted at the eleventh hour in the Conference Report on the Interior Appropriations bill with no prior hearings or consideration, no opportunity for debate, no input from the National Park Service or the area Congressional Delegation and no consultation with the affected communities. It circumvented every procedure and process by which land exchanges normally take place. The only conditions placed on the transaction were that the property would not have environment contamination and that it be a fair market value exchange or equalized in value by a cash payment from CCA.

Since the enactment of the Interior Appropriations bill, the Corrections Corporation of America (CCA) has filed an application with the District of Columbia Zoning Commission to build a 2,200 bed prison on the 42 acre National Park site to house portions of the District of Columbia's inmate population. This facility is strongly opposed by local residents who have raised serious concerns about both the planned location of the prison and the propriety of bypassing National Park Service land exchange and environmental compliance guidelines which allow for public input. Department of the Interior officials have stated that "absent public review, which NPS has been precluded to conduct by statute, it is not clear that the location of a prison on the current parcel of park land would be in the best interest of the public. Further, the legislated land exchange with CCA does not afford equal opportunity to all potential bidders to provide a nearby inmate facility for felons of the District of Columbia."

It is important to point out that the National Park Service's Oxon Cove property has been planned as the site of a public golf course and a hiker-biker trail—recreational facilities urgently needed in great demand by the local community. They are a key component of an overall effort to revitalize the area and enhance the quality of life for local residents. These public facilities would largely be displaced by the CCA prison. Moreover, development of a correctional facility on this site would likely have adverse environmental impacts on Oxon Cove and on the Potomac River which was recently designated as an American Heritage River. In addition, it is my understanding that the CCA owned property in Prince Georges County is mostly wetlands and has no access and consequently the land swap is hardly a "fair market value" exchange.

The amendment which Senator MIKULSKI and I are offering will ensure that no legislated land exchange can be consummated unless and until the exchange has been reviewed in accordance with the procedures customary for such land exchange proposals including: an Environmental Impact Statement in accord with the National Environmental Policy Act; a determination by the Secretary of the Interior that the land is suitable for exchange under the criteria normally used for such exchanges; an evaluation of whether the land exchange is in the best interests of the public and the National Park Service; an opportunity for public hearings and input; a review of the NPS General Management Plan for the property and scrutiny by the National Capital Planning Commission. It is my firm conviction that this legislated land exchange should never have been enacted. We hold this property and all of our Nation's lands in public trust and it my hope that the amendment we are offering will help preserve that trust as well as citizens' rights to due process and having their concerns heard. I urge adoption of this amendment.

AMENDMENT NO. 3588

(Purpose: To modify Section 121 of the bill regarding wildland fire management in Alaska)

On page 59, line 25, insert between the words "Alaska" and "prior" the following: "for assignment to a Type I hot shot crew that previously has been certified and listed in the Bureau of Land Management 1998 Interagency National Mobilization Guide,".

AMENDMENT NO. 3589

S. 2237 is hereby amended as follows:

At page 19, line 20, add the following after the word "program": "and of which $4,400,000 shall be available for the Katmai National Park Land Exchange".

At the appropriate place insert the following new section:

SEC. XXX. KATMAI NATIONAL PARK LAND EXCHANGE.

(a) RATIFICATION OF AGREEMENT.—

(1) RATIFICATION.—

(A) IN GENERAL.—The terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement for the Sale, Purchase and Conveyance of Lands between the Heirs, Designees and/or Assigns of the Palakia Melgenak and the United State of America" (hereinafter referred to in this section at the "Agreement"), executed by its signatories, including the heirs, designees and/or assigns of Palakia Melgenak (hereinafter referred to in this section as the "Heirs") effective on September 1, 1998 are authorized, ratified and confirmed, and set forth the obligations and commitments of the United States and all other signatories, as a matter of federal law.

(B) NATIVE ALLOTMENT.—Notwithstanding any provision of law to the contrary, all lands described in seciton 2(c) of the Agreement for conveyance to the Heirs shall be deemed a replacement transaction under "An Act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county or municipal improvements or sold to other persons or for other purposes" (25 U.S.C. 409a, 46 Stat. 1471), as amended, and the Secretary shall convey such lands by a patent consistent with the terms of the Agreement and subject to the same restraints on alienation and tax-exempt status as provided for native allotments pursuant to "An Act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska" (34 Stat. 197), as amended, repealed by section 18(a) the Alaska Native Claims Settlement Act (85 Stat. 710), with a savings clause for applications pending on December 18, 1971.

(C) LAND ACQUISITION.—Lands and interests in land acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") as part of the Katmai National Park, subject to the laws and regulations applicable thereto.

(2) MAPS AND DEEDS.—The maps and deeds set forth in the Agreement generally depict the lands subject to the conveyances, the retention of consultation rights, the conservation easement, the access rights, Alaska Native Allotment Act status, and the use and transfer restrictions.

(b) KATMAI NATIONAL PARK AND PRESERVE WILDERNESS.—Upon the date of closing of the conveyance of the approximately 10 acres of Katmai National Park Wilderness lands to be conveyed to the Heirs under the Agreement, the following lands shall hereby be designated part of the Katmai Wilderness as designated by section 701(4) of the Alaska National Interest Lands Conservation (16 U.S.C. 1132 note; 94 Stat. 2417):

A strip of land approximately one half mile long and 165 feet wide lying within Section 1, Township 24 South, Range 33 West, Seward Meridian, Alaska, the center line of which is the center of the unnamed stream from its mouth at Geographic Harbor to the north line of said Section 1. Said unnamed stream flows from the unnamed lake located in Sections 25 and 26, Township 23 South, Range 33 West, Seward Meridian. This strip of land contains approximately 10 acres.

(c) AVAILABILITY OF APPROPRIATION.—None of the funds appropriated in this Act or any

other Act hereafter enacted for the implementation of the Agreement may be expended until the Secretary determines that the Heirs have signed a valid and full relinquishment and release of any and all claims described in section 2(d) of the Agreement.

(d) GENERAL PROVISIONS.—

(1) All of the lands designated as Wilderness pursuant to this section shall be subject to any valid existing rights.

(2) Subject to the provisions of the Alaska National Interest Lands Conservation Act, the Secretary shall ensure that the lands in the Geographic Harbor area not directly affected by the Agreement remain accessible for the public, including its mooring and mechanized transportation needs.

(3) The Agreement shall be placed on file and available for public inspection at the Alaska Regional Office of the National Park Service, at the office of the Katmai National Park and Preserve in King Salmon, Alaska, and at least one public facility managed by the federal, state or local government located in each of Homer, Alaska, and Kodiak, Alaska and such other public facilities which the Secretary determines are suitable and accessible for such public inspections. In addition, as soon as practicable after enactment of this provision, the Secretary shall make available for public inspection in those same offices, copies of all maps and legal descriptions of lands prepared in implementing either the Agreement or this section. Such legal descriptions shall be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate.

AMENDMENT NO. 3590

(Purpose: To provide that the Bureau of Land Management may enter into watershed restoration and enhancement agreements with the same entities and for the same purposes as is provided in section 323 of the bill for Forest Service agreements)

On page 74, after line 20, add the following:

SEC. 1 . WATERSHED RESTORATION AND ENHANCEMENT AGREEMENTS.

Section 124(a) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (16 U.S.C. 1011(a)) is amended by striking "with willing private landowners for restoration and enhancement of fish, wildlife, and other biotic resources on public or private land or both" and inserting "with the heads of other Federal agencies, tribal, State, and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and the reduction of risk from natural disaster where public safety is threatened".

Mr. GORTON. Madam President, it was a week ago tomorrow early in the afternoon that the Senate began consideration of the Interior appropriations bill. The distinguished Senator from West Virginia, Mr. BYRD, and I made our opening statements. We passed a handful of agreed amendments, and since then the entire subject matter has dealt with matters totally extraneous to that Interior appropriations bill. According to the minority leader's action, we will have another such extraneous amendment tomorrow. But in the closing of this evening, I do have this set of amendments, all of which relate to the subject of the bill.

The first is by Senator CAMPBELL on behalf of the Bureau of Indian Affairs, which strikes certain language in the bill on the subject of the use of highway trust funds.

The second, of which I am a sponsor, also on behalf of the Bureau of Indian Affairs, is an amendment to the Tribal Self-Governance Act to require the repayment of misused Federal funds by self-governance tribes.

The third one of mine is a minor boundary modification at the Columbia River Gorge National Scenic Area.

The fourth also is one of mine for the Fish and Wildlife Service which prohibits the use of funds for land acquisition at Texas Chenier Plain.

The fifth, by Senator HOLLINGS, to which the colloquy applies, makes amendments to the Coastal Barrier Resource System maps in South Carolina.

The sixth, by the two Senators from Maryland, is a modification of section 135 of the fiscal year 1998 Interior appropriations bill on the subject of the Oxon Cove land exchange.

The next is by Senator STEVENS which clarifies section 121, re: "hotshot" crews—that is to say, forest firefighting crews—in Alaska.

The next, also by Senator STEVENS, provides for exchange of lands in Katmai National Park.

And, the last by Senator WYDEN of Oregon gives the Bureau of Land Management authority to enter into the watershed restoration and enhancement agreements to the same extent that the Forest Service can do so.

With that, Madam President, I ask unanimous consent that the amendments be agreed to.

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

The amendments (Nos. 3582 to 3590) were agreed to.

Mr. GORTON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

GOOSE DEPREDATION

Mr. SMITH of Oregon. Mr. President, the wintering Canada goose population has increased ten times in the last twenty years, to 250,000 geese in the Lower Columbia River and Willamette Valley regions. The result has been large numbers of geese grazing on private agricultural fields of wheat, corn, grass seed, and many other crops, leading to huge financial losses for farmers. Farmers have been meeting since the early 1980s with local wildlife officials to create coordinated resource management plans to relieve depredation, but with no results. In 1997, the first Pacific Flyway Council plan was assembled to deal with agricultural depredation by migratory Canada geese. Farmers met with state and federal wildlife officials and other interested parties from Oregon, Washington, Alaska, and California to create a plan that all parties could agree to—as a first step. This funding will implement some of the priorities of that plan.

Mr. WYDEN. I thanked the Chairman for helping us in the Northwest to address a serious, growing problem with a tremendous overpopulation of geese in the Pacific Northwest. During the course of the past year the Oregon and Washington Farm Bureaus, the Alaska Waterfowl Conservation Committee, and state and federal wildlife agencies have worked together on a plan to address this growing problem, and I appreciate the Chairman's help in funding this proposal. Mr. President, the Oregon and Washington Farm Bureaus have provided critical leadership in helping us obtain these funds, and I wonder if the Chairman of the Subcommittee would engage in a colloquy about how these funds are to be spent.

Mr. GORTON. Of course, as the senior Senator from Oregon mentioned, this issue is a serious concern of many of my constituents in the southwestern part of my state. I am delighted to have been able to provide funds from this year's U.S. Fish and Wildlife Service budget to develop a solution to this problem affecting both of our states.

Mr. WYDEN. Is it the Chairman's understanding that at least $152,000 would be directed to fund a study of the economic impact of goose grazing and to develop the most effective methods for reducing damage by Canada Geese; and that the remaining funds will be used to assess, monitor, and reduce depredation by Canadian Geese of agricultural crops in Washington State and Oregon?

Mr. GORTON. The gentleman from Oregon is correct. The $152,000 of study money will be used to continue ongoing studies at Oregon State University and has strong support among farmers in both our states.

Mr. SMITH of Oregon. Further, is it the Chairman's understanding that the Committee directs the monies be allocated by and based upon the consensus of the Canada Goose Agricultural Depredation Working Group, comprised of, but not limited to, one person from each of the following: Washington and Oregon Departments of Fish and Wildlife; U.S. Fish and Wildlife Service; USDA/APHIS Wildlife Services; and an agricultural representative each from Washington and Oregon?

Mr. GORTON. Yes. I understand that this group, which is composed of a diverse array of impacted interests, recently received approval for the NW Oregon/SW Washington Canada Goose Agricultural Depredation Control Plan which provides a foundation for many depredation reduction programs. I am very impressed by the work of this group and am delighted that it will have sufficient flexibility to develop solutions to this problem.

CIVIL WAR BATTLEFIELD PRESERVATION

Mr. TORRICELLI. Mr. President, I would like to thank the many Senators

who have demonstrated a commitment to historic Civil War battlefield preservation which culminated in this amendment to the Interior Appropriations Bill that directs $10 million be made available for matching grants to States and local communities for Civil War Battlefield preservation. I especially want to thank Senators LOTT and GORTON for their efforts over the past several months as well as my long time ally in this issue, Senator JEFFORDS.

Battlefield preservation is essential to allow current and future generations to experience the powerful lessons these places convey about the past, present, and future of the United States. A battlefield's landscape speaks beyond written accounts and motion picture and television recreations. The remarkable story of our country's struggle for independence cannot be compellingly told or wholly understood without these sites. The need to protect these sites of heroism and sacrifice has never been more acute. Today, residential, commercial, and industrial development threaten significant battle sites in many states.

A Congressional study of the nation's Civil War sites completed in 1993, found that 20% of the most important sites had already been lost and an additional 50% would be lost in the next ten years without concerted action. The report specifically recommended that $70 million be made available over a 7 year period for matching grants to aid land acquisition efforts. This amendment would for the first time provide a $10 million installment for this purpose.

The premise behind this amendment is simple: Congress must provide funds to leverage nonfederal resources to preserve endangered battlefields. These funds are an investment in our national heritage, an investment that will pay dividends not just for our towns and states, but for the entire country and for generations to come.

MORNING BUSINESS

Mr. GORTON. Madam President, I ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

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

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business Friday, September 11, 1998, the federal debt stood at $5,547,277,485,008.59 (Five trillion, five hundred forty-seven billion, two hundred seventy-seven million, four hundred eighty-five thousand, eight dollars and fifty-nine cents).

One year ago, September 11, 1997, the federal debt stood at $5,414,576,000,000 (Five trillion, four hundred fourteen billion, five hundred seventy-six million).

Twenty-five years ago, September 11, 1973, the federal debt stood at $460,119,000,000 (Four hundred sixty billion, one hundred nineteen million) which reflects a debt increase of more than $5 trillion—$5,087,158,485,008.59 (Five trillion, eighty-seven billion, one hundred fifty-eight million, four hundred eighty-five thousand, eight dollars and fifty-nine cents) during the past 25 years.

HANOI TAXI

Mr. DEWINE. Madam President, this week, Americans across the country will be participating in events to pay tribute to Americans Missing in Action and former Prisoners of War (MIAs/POWs). With that in mind, I would like to talk about an event that took place on February 12th, 1973. On that date, a United States Air Force C–141 landed at the Gia Lam Airport in Hanoi, North Viet Nam. The crew's mission was to pick up and return to the United States the first American POWs from Viet Nam. This historic mission signaled the beginning of the end of a period of uncertainty for many American POWs and their families. The flight for freedom from captivity came to a joyous conclusion when the aircraft carrying these soldiers landed at Hickham Air Force Base, Hawaii, where for the first time in many years, the former POWs once again stepped proudly and honorably onto American soil.

On that day in February 1973, the tail number of the aircraft dispatched to Gia Lam was 660177. As the primary cargo aircraft for the Air Force at that time, the C–141, and specifically aircraft 660177, had flown cargo missions in support of U.S. operations in Viet Nam. To this day, many of the former POWs that were on board that first freedom flight still remember the tail number—660177. In tribute to the historic mission competed by this particular aircraft, flight crew members informally named the aircraft the "Hanoi Taxi."

Following the conclusion of activities in Viet Nam, the "Hanoi Taxi" continued to serve the Air Force as a cargo aircraft. Throughout the years, the role this aircraft played in our military history went largely unnoticed.

In 1992, aircraft 660177, was assigned to the 445th Airlift Wing of the United States Air Force Reserve at Wright-Patterson Air Force Base in Ohio. At that time, members from the maintenance squadron of the 445th Airlift Wing noticed the words "Hanoi Taxi" on a label above the flight engineer's panel. M/Sgt. Dave Dillon became very interested in this unusual appearance and with the assistance of T/Sgt Henry Harlow, S/Sgt. Jeff Wittman and T/Sgt. Susan Denlinger, they worked to piece together the story behind the name. When they learned of the historic mission that gave aircraft 660177 the name "Hanoi Taxi", personnel from the 445th Airlift Wing began the process of transforming the aircraft into a flying tribute to honor those former Prisoners of War and those that are still Missing in Action.

Today, nose art on the "Hanoi Taxi" represents the emblem of the 4th Allied Prisoner of War Wing and a plaque adorns a position of high visibility near the flight deck honoring the first 40 individuals that made that first flight from Hanoi on February 12, 1973. In addition, photographs of the historic mission are placed throughout the aircraft to allow those passing through the cabin to see those brave individuals who were forced to surrender their own freedom to protect ours.

For many of the POW's that were on board the "Hanoi Taxi", some of the memories of their captivity have faded over the years, but today the number 660177 is the number of freedom—the number of the aircraft that reunited them with their friends and families.

Notable passengers on board the "Hanoi Taxi" include retired Navy Rear Admiral Jeremiah Denton, who later served as a United States Senator. Then Air Force Captain Ed Mechenbier also was a passenger. Today, Brigadier General Ed Mechenbier still serves his country in the United States Air Force Reserve. The significance of the "Hanoi Taxi" is best illustrated by the following comments General Mechenbier provided in a recent interview:

> This airplane is more than a tribute to the POW's that were fortunate to be released in 1973. It reminds us of the service of more than a million Viet Nam era veterans, and it says to those POW/MIAs who did not share in our joy, you are not forgotten.

This week our Nation honors the sacrifices and dedication to duty, honor and country that those Missing in Action and former Prisoners of War have provided. As we remember the sacrifice that has been made, let us not forget the continuing sacrifice that our present members of our armed forces have made as we forge pathways of peace in an ever changing environment of world events.

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 communities.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING THE UNITED STATES PARTICIPATION IN THE UNITED NATIONS FOR CALENDAR YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 155

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1997. The report is required by the United Nations Participation Act (Public Law 79–264; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 14, 1998.*

REPORT ON THE NATION'S ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT—PM 156

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year (FY) 1997, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 13 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

A wide variety of aeronautics and space developments took place during FY 1997. The National Aeronautics and Space Administration (NASA) successfully completed eight Space Shuttle flights. There were 23 successful U.S. Expendable Launch Vehicle (ELV) launches in FY 1997. Of those, 4 were NASA-managed missions, 2 were NASA-funded/Federal Aviation Administration (FAA)-licensed missions, 5 were Department of Defense-managed missions, and 12 were FAA-licensed commercial launches. The Mars Pathfinder spacecraft and Sojourner rover captured the public's attention with a very successful mission. Scientists also made some dramatic new discoveries in various space-related fields such as space science, Earth science and remote sensing, and life and microgravity science. In aeronautics, activities included work on high-speed research, advanced subsonic technology, and technologies designed to improve the safety and efficiency of our commercial airlines and air traffic control system.

Close international cooperation with Russia occurred on the Shuttle-*Mir* docking missions and on the International Space Station program. The United States also entered into new forms of cooperation with its partners in Europe, South America, and Asia.

Thus, FY 1997 was a very successful one for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, a healthier environment, and a more competitive economy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 14, 1998.*

MESSAGES FROM THE HOUSE

At 3 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. 2538. An act 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.

H.R. 2863. An act 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.

H.R. 3892. An act 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 message also announced that the House has passed the following bill, without amendment:

S. 2112. An act to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

The message further announced that the House disagrees to the amendment of the Senate to 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 and Disability System, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Permanent Select Committee on Intelligence, for the consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. GOSS, Mr. YOUNG of Florida, Mr. LEWIS of California, Mr. SHUSTER, Mr. MCCOLLUM, Mr. CASTLE, Mr. BOEHLERT, Mr. BASS, Mr. GIBBONS, Mr. DICKS, Mr. DIXON, Mr. SKAGGS, Ms. PELOSI, Ms. HARMAN, Mr. SKELTON, and Mr. BISHOP.

From the Committee on National Security, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. SPENCE, Mr. STUMP, and Ms. SANCHEZ.

MEASURES REFERRED

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

H.R. 2538. An act 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; to the Committee on Energy and Natural Resources.

H.R. 2863. An act 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; to the Committee on Environment and Public Works.

H.R. 3892. An act 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; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2213. A bill to allow all States to participate in activities under the Education Flexibility Partnership Demonstration Act (Rept. No. 105–327).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 1718. A bill to amend the Weir Farm National Historic Site Establishment Act of 1990 to authorize the acquisition of additional acreage for the historic site to permit the development of visitor and administrative facilities and to authorize the appropriation of additional amounts for the acquisition of real and personal property (Rept. No. 105–328).

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

S. 1719. A bill to direct the Secretary of Agriculture and the Secretary of the Interior to exchange land and other assets with Big Sky Lumber Co (Rept. No. 105–329).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

S. 2106. A bill to expand the boundaries of Arches National Park, Utah, to include portions of certain drainages that are under the jurisdiction of the Bureau of Land Management, and to include a portion of Fish Seep Draw owned by the State of Utah, and for other purposes (Rept. No. 105–330).

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

H.R. 3830. A bill to provide for the exchange of certain lands within the State of Utah (Rept. No. 105–331).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 2364. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965 (Rept. No. 105-332).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2463. An original bill to provide authorities with respect to the transfer of excess defense articles and the transfer of naval vessels under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes (Rept. No. 105-333).

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. HELMS:

S. 2463. An original bill to provide authorities with respect to the transfer of excess defense articles and the transfer of naval vessels under the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; from the Committee on Foreign Relations; placed on the calendar.

By Mr. DASCHLE (for Mr. HOLLINGS):

S. 2464. A bill to direct the Secretary of the Interior to make corrections to certain maps relating to the Coastal Barrier Resources System; to the Committee on Commerce, Science, and Transportation.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2465. A bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 2466. A bill to authorize the minting and issuance of a commemorative coin in honor of the founding of Biloxi, Mississippi; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself and Mr. JOHNSON):

S. 2467. A bill to amend the Internal Revenue Code of 1986 to increase the years for carryback of net operating losses for certain farm losses; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2468. A bill to designate the Biscayne National Park visitor center as the Dante Fascell Visitor Center at Biscayne National Park; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. 2465. A bill to amend the National Trails System Act to designate the route of the War of 1812 British invasion of Maryland and Washington, District of Columbia, and the route of the American defense, for study for potential addition to the national trails system; to the Committee on Energy and Natural Resources.

STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL STUDY ACT OF 1998

Mr. SARBANES. Mr. President, today I am introducing legislation to help commemorate and preserve significant sites associated with America's Second War of Independence, the War of 1812. My legislation, entitled "The Star-Spangled Banner National Historic Trail Study Act of 1998," directs the Secretary of the Interior to initiate a study to assess the feasibility and desirability of designating the route of the British invasion of Washington, D.C. and their subsequent defeat at Baltimore, Maryland, as a National Historic Trail.

Since the passage of the National Trails Systems Act of 1968, the National Park Service has recognized historically significant routes of exploration, migration and military action through its National Historic Trails Program. Routes such as the Juan Bautista de Anza, Lewis and Clark, Pony Express and Selma to Montgomery National Historic Trails cross our country and represent important episodes of our nation's history, episodes which were influential in shaping the very future of this country. It is my view that the inclusion of the Star-Spangled Banner Trail will give long overdue recognition to another of these important events.

The War of 1812, and the Chesapeake Campaign in particular, mark a turning point in the development of the United States. Faced with the possibility of losing the independence for which they struggled so valiantly, the citizens of this country were forced to assert themselves on an international level.

From the period of the arrival of the British forces at Benedict, in Charles County, Maryland, on August 18, 1814, to the American victory at Fort McHenry in Baltimore, on September 14, 1814, the war took a dramatic turn. The American forces, largely comprised of Maryland's citizens, were able to slow the British advance through the state and successfully defended Baltimore, leading to the retreat of the British.

The sites along this trail mark some of the most historically important events of the War of 1812. It begins with the only combined naval and land attack on the United States, originating at Benedict, Maryland and continuing on to the nation's capital, Washington, D.C. It follows the defeat of the Americans at the Battle of Bladensburg, the evacuation of the United States Government, the burning of the nation's capital, including the White House and the Capitol Building, the battle at North Point and the bombardment of Fort McHenry, site of the composition of our National Anthem, the Star-Spangled Banner, and the ultimate defeat of the British.

The route will also serve to bring awareness to several lesser known, but equally important sites of the war, including St. Leonard's Creek in Calvert County, where two American vessels scuttled by the British have recently been found, Brookeville, Maryland, which served as the nation's capital for one day, and Todd's Inheritance, the signal station for the American defenders at Fort McHenry. These sites, and many like them, will only enrich the story told along the trail. Additionally, the attention given to these sites should prove beneficial in terms of efforts to preserve and restore them.

Mr. President, the designation of the route of the British invasion of Washington and American defense of Baltimore as a National Historic Trail will serve as a reminder of the importance of the concept of liberty to all who experience the Star-Spangled Banner Trail. It will also give long overdue recognition to those patriots whose determination to stand firm against enemy invasion and bombardment preserved this liberty for future generations of Americans.

By Mr. HARKIN (for himself and Mr. JOHNSON):

S. 2467. A bill to amend the Internal Revenue Code of 1986 to increase the years for carryback of net operating losses for certain farm losses; to the Committee on Finance.

TAX LEGISLATION

Mr. HARKIN. Mr. President, today I am introducing legislation for myself and Senator JOHNSON providing farmers with the option of receiving a refund from taxes paid in the past 10 years for their current operating losses. Congressman JOHN TANNER of Tennessee is introducing an identical measure in the House.

Farmers are suffering huge losses through no fault of their own. No other business has less control of the price they can receive for what they produce. Farmers cannot control the world's weather or the World economy. But, those factors determine the price of corn, soybeans and wheat. The Freedom to Farm bill passed in 1997 sharply reduced the farmer's safety net. And, now, farm prices are crashing to levels not seen in decades, to levels never seen before if we adjust for inflation. Many farmers are going to have a very difficult time being able to acquire the funds needed to plant their crops in the coming year or maintain their annual operations. Many farmers could lose the farms that have been in their families for generations. And, the economic difficulty is far broader. It is already having a terrible ripple effect on the economies of rural areas. Layoffs are starting to occur at agricultural equipment manufacturers and in stores in small towns. But, we are just at the beginning stages of what could become a very severe downtown in rural America.

A number of Senators and I are proposing a series of modifications in agricultural programs to help alleviate the problem. But, I believe the Congress should also pass a provision broadening existing law allowing farmers to recover taxes paid in the past to cover their net operating losses.

Under existing law, businesses including farmers can be reimbursed for their business losses by receiving a rebate for taxes paid in the prior 2 years, 3 years in cases where there was a natural disaster. Now we are facing a large economic disaster that can really sink rural America.

There are widely supported proposals to allow farmers to invest some of their profits for up to 5 years without being taxed till the money is used in poor years, effectively a type of income averaging. That is fine. But, what is more desperately needed at this time is more immediate assistance.

I propose that family farmers be allowed the option to get a rebate from the taxes that they paid over the past 10 years covering up to $200,000 in operating losses rather than the two years allowed under current law. Many farmers cannot receive a rebate for their operating losses because they were not able to make any taxable profits in the last few years. The benefit would only go to farmers whose families are actively engaged in farming and whose business activity is mostly farming. The amount of the rebate would be dependent on the amount of the loss and the tax rate paid by the farmer for the paid taxes that are being restored.

The provision would cover losses occurring in 1998 or 1999. If the measure passed this year, farmers would be able to calculate their loss early next year and quickly receive a rebate from the IRS for the taxes paid in earlier years.

This proposal provides a significant amount of relief when it is needed early next year. It will help many farmers acquire some of the funds they need to plant.

Current law already allows a few taxpayers in certain circumstances to go back and recover taxes that they paid for 10 years. I believe that it should be broadened to cover farmers in this difficult time. In fact, there is a precedent in the 1997 Taxpayer Relief Act in which Amtrak was allowed to use net operating losses of their predecessor railroads from over 25 years in the past.

I urge that when the Congress considers a tax bill, this provision be considered and passed.

ADDITIONAL COSPONSORS

S. 375

At the request of Mr. MCCAIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 1351

At the request of Mr. BURNS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1351, a bill to amend the Sikes Act to establish a mechanism by which outdoor recreation programs on military installations will be accessible to disabled veterans, military dependents with disabilities, and other persons with disabilities.

S. 1362

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1362, A bill to promote the use of universal product members on claims forms used for reimbursement under the medicare program.

S. 1480

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1480, a bill to authorize appropriations for the National Oceanic and Atmospheric Administration to conduct research, monitoring, education and management activities for the eradication and control of harmful algal blooms, including blooms of Pfiesteria piscicida and other aquatic toxins.

S. 1504

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1504, a bill to adjust the immigration status of certain Haitian nationals who were provided refuge in the United States.

S. 1868

At the request of Mr. NICKLES, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1868, a bill to express United States foreign policy with respect to, and to strengthen United States advocacy on behalf of, individuals persecuted for their faith worldwide; to authorize United States actions in response to religious persecution worldwide; to establish an Ambassador at Large on International Religious Freedom within the Department of State, a Commission on International Religious Persecution, and a Special Adviser on International Religious Freedom within the National Security Council; and for other purposes.

S. 1981

At the request of Mr. HUTCHINSON, the names of the Senator from Washington (Mr. GORTON), the Senator from Arizona (Mr. KYL), and the Senator from Utah (Mr. HATCH) were added as cosponsors 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. 2145

At the request of Mr. SHELBY, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor 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. 2190

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2190, a bill to authorize qualified organizations to provide technical assistance and capacity building services to microenterprise development organizations and programs and to disadvantaged entrepreneurs using funds from the Community Development Financial Institutions Fund, and for other purposes.

S. 2202

At the request of Mr. AKAKA, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of S. 2202, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 2205

At the request of Mr. DORGAN, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from South Dakota (Mr. JOHNSON), the Senator from Colorado (Mr. CAMPBELL), the Senator from Nevada (Mr. REID), and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 2205, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis & Clark Expedition, and for other purposes.

S. 2281

At the request of Mr. DEWINE, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2281, a bill to amend the Tariff Act of 1930 to eliminate disincentives to fair trade conditions.

S. 2283

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 2283, a bill to support sustainable and broad-based agricultural and rural development in sub-Saharan Africa, and for other purposes.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from Wisconsin (Mr. KOHL) 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 Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Minnesota (Mr. GRAMS) 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. 2335

At the request of Mr. HARKIN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2335, a bill to amend title XVIII of the Social Security Act to improve efforts to combat medicare fraud, waste, and abuse.

S. 2354

At the request of Mr. BOND, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2354, a bill to amend title XVIII of the Social Security Act to impose a moratorium on the implementation of the per beneficiary limits under the interim payment system for home health agencies, and to modify the standards for calculating the per visit cost limits and the rates for prospective payment systems under the medicare home health benefit to achieve fair reimbursement payment rates, and for other purposes.

S. 2364

At the request of Mr. CHAFEE, the name of the Senator from New Mexico (Mr. BINGAMAN) 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. 2376

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2376, A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 2383

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2383, A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor.

S. 2412

At the request of Mr. BURNS, the names of the Senator from Florida (Mr. GRAHAM), the Senator from Nevada (Mr. BRYAN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Rhode Island (Mr. REED), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 2412, a bill to create employment opportunities and to promote economic growth establishing a public-private partnership between the United States travel and tourism industry and every level of government to work to make the United States the premiere travel and tourism destination in the world, and for other purposes.

S. 2425

At the request of Mr. SESSIONS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 2425, a bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education.

S. 2445

At the request of Mr. THOMPSON, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Wyoming (Mr. THOMAS), the Senator from Maine (Ms. COLLINS), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of S. 2445, a bill to provide that the formulation and implementation of policies by Federal departments and agencies shall follow the principles of federalism, and for other purposes.

S. 2448

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CLELAND) 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. 2453

At the request of Mr. ROTH, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2453, a bill to amend the Internal Revenue Code of 1986 to extend the credit for producing electricity from certain renewable resources.

SENATE CONCURRENT RESOLUTION 108

At the request of Mr. DORGAN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of Senate Concurrent Resolution 108, a concurrent resolution recognizing the 50th anniversary of the National Heart, Lung, and Blood Institute, and for other purposes.

SENATE RESOLUTION 259

At the request of Mr. THURMOND, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Georgia (Mr. CLELAND), and the Senator from Maryland (Mr. SARBANES) were added as cosponsors 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.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

DASCHLE (AND OTHERS) AMENDMENT NO. 3580

Mr. HARKIN (for Mr. DASCHLE for himself, Mr. HARKIN, Mr. DORGAN, Mr. JOHNSON, Mr. KERREY, Mr. CONRAD, Mr. BAUCUS, Mr. WELLSTONE, and Mr. BINGAMAN) proposed an amendment to the 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; as follows:

At the end of the bill, insert the following:

TITLE VII—EMERGENCY AGRICULTURAL ASSISTANCE

SEC. 701. MARKETING ASSISTANCE LOANS.

(a) MARKETING ASSISTANCE LOANS.—

(1) LOAN RATES.—Notwithstanding section 132 of the Agricultural Market Transition Act (7 U.S.C. 7232), for crop year 1998, loan rates for a loan commodity (as defined in section 102 of that Act (7 U.S.C. 7202)), other than rice, shall not be subject to any dollar limitation on loan rates prescribed under subsection (a)(1)(B), (b)(1)(B), (c)(2), (d)(2), (f)(1)(B), or (f)(2)(B) of section 132 of that Act.

(2) RICE.—Notwithstanding section 132(e) of that Act, for crop year 1998, the loan rate for a marketing assistance loan under section 131 of that Act (7 U.S.C. 7231) for rice shall be not less than the greater of—

(A) $6.50 per hundredweight; or

(B) 85 percent of the simple average price received by producers of rice, as determined by the Secretary of Agriculture, during the marketing years for the immediately preceding 5 crops of rice, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period.

(3) TERM OF LOAN.—Notwithstanding section 133(c) of that Act (7 U.S.C. 7233(c)), for crop year 1998, the Secretary may extend the term of a marketing assistance loan for any loan commodity for a period not to exceed 6 months.

(b) APPLICATION.—

(1) IN GENERAL.—The authority provided by this section applies to the 1998 crop of a loan commodity.

(2) LOANS.—This section applies to a marketing assistance loan for a loan commodity made under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) for the 1998 crop year before, on, or after the date of enactment of this Act.

SEC. 702. EMERGENCY STORAGE PAYMENTS.

Subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) is amended by adding at the end the following:

"SEC. 138. EMERGENCY STORAGE PAYMENTS.

"(a) IN GENERAL.—

"(1) AUTHORITY.—The Secretary may provide storage payments to producers on a farm to encourage the producers to place all or part of eligible cropland devoted to the 1998 crop of wheat or feed grains under a marketing assistance loan under section 131 if the Secretary determines that the wheat or feed grains are in abundant supply and that providing storage payments is an appropriate means of facilitating the orderly marketing of the commodities and alleviating

burdens on commodity transportation and marketing systems.

"(2) PARTICIPATION.—The Secretary shall ensure that producers are afforded a fair and equitable opportunity to receive the storage payments, taking into account regional differences in the time of harvest.

"(b) STORAGE PAYMENTS.—

"(1) IN GENERAL.—Payments for the storage of wheat or feed grains under this section shall be made in such amounts and under such conditions as the Secretary determines are appropriate to encourage producers to place wheat or feed grains under marketing assistance loans.

"(2) TIMING.—Storage payments under this section may be made in advance.

"(3) DURATION.—The Secretary shall cease making storage payments under this section—

"(A) in the case of wheat, during any period in which the price of wheat is equal to or exceeds $4.00 a bushel;

"(B) in the case of corn, during any period in which the price of corn is equal to or exceeds $2.75 a bushel;

"(C) in the case of any other feed grain, during any period in which the price of the other feed grain is equal to or exceeds an amount that is equivalent to the rate for corn specified in subparagraph (B), as determined by the Secretary; and

"(D) in the case of wheat or any feed grain, during the 90-day period immediately following the last day on which the price of wheat or the feed grain was equal to or in excess of the levels established under subparagraph (A), (B), or (C).

"(4) COMPARABILITY OF STORAGE PAYMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), in making storage payments to producers under this section and to commercial warehouses in accordance with the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), the Commodity Credit Corporation and the Secretary shall, to the maximum extent practicable, ensure that the rates of the storage payments paid to producers are equivalent to the average rates paid for commercial storage, taking into account the demand for storage for commodities, efficiency, location, regulatory compliance costs, bonding requirements, and the impact of user fees, as determined by the Secretary.

"(B) NO INCREASE IN OUTLAYS.—The rates paid to producers and commercial warehouses shall be established at rates that will result in no increase in current or projected combined outlays of the Commodity Credit Corporation for the storage payments made to producers and commercial warehouses as a result of the adjustment of storage rates under this section.

"(c) QUANTITY OF COMMODITIES ELIGIBLE FOR STORAGE PAYMENTS.—The Secretary may establish maximum quantities of wheat and feed grains that may be eligible for storage payments under this section that do not exceed—

"(1) in the case of wheat, 450,000,000 bushels; and

"(2) in the case of feed grains, 1,000,000,000 bushels.

"(d) TERM OF LOAN.—Notwithstanding section 133(c), the Secretary may extend the term of a marketing assistance loan for each of the 1998 crops of wheat and feed grains for a period such that the total loan period does not exceed 15 months.

"(e) USE OF COMMODITY CREDIT CORPORATION.—The Secretary shall use the Commodity Credit Corporation, to the maximum extent practicable, to carry out this section.

"(f) ADDITIONAL AUTHORITY.—The authority provided by this section shall be in addition to other authorities available to the Secretary for carrying out producer loan and storage operation programs.".

SEC. 703. RESERVE INVENTORIES.

(a) APPROPRIATION.—For the reserve established under section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a), $1,500,000,000.

(b) IMPROVEMENTS.—Section 813 of the Agricultural Act of 1970 (7 U.S.C. 1427a) is amended—

(1) in the first sentence of subsection (a), by inserting "of agricultural producers" after "distress";

(2) in subsection (c), by inserting "the Secretary or" after "President or"; and

(3) in subsection (h)—

(A) by striking "(h) There is hereby" and inserting the following:

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are"; and

(B) by adding at the end the following:

"(2) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments that don't go for crop disasters, but for income loss to carry out the purposes of this section.".

SEC. 704. LIVESTOCK INDUSTRY IMPROVEMENT.

(a) DOMESTIC MARKET REPORTING.—

(1) IN GENERAL.—Section 203(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g)) is amended—

(A) by striking "(g) To" and inserting the following:

"(g) COLLECTION AND DISSEMINATION OF MARKETING INFORMATION.—

"(1) IN GENERAL.—The Secretary is authorized and directed to"; and

(B) by adding at the end the following:

"(2) DOMESTIC MARKET REPORTING.—

"(A) MANDATORY REPORTING PILOT PROGRAM.—

"(i) IN GENERAL.—Subject to clause (v), the Secretary shall conduct a 3-year pilot program under which the Secretary shall require any person or class of persons engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form to report to the Secretary (or a person designated by the Secretary) in such manner as the Secretary shall require, such information relating to prices and the terms of sale for the procurement of livestock, livestock products, meat, or meat products in an unmanufactured form as the Secretary determines is necessary to carry out this subsection.

"(ii) NONCOMPLIANCE.—It shall be unlawful for a person engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form to knowingly fail or refuse to provide to the Secretary information required to be reported under subparagraph (A).

"(iii) CEASE AND DESIST AND CIVIL PENALTY.—

"(I) IN GENERAL.—If the Secretary has reason to believe that a person engaged in the business of buying, selling, or marketing livestock, livestock products, meat, or meat products in an unmanufactured form is violating the provisions of subparagraph (A) (or regulation promulgated under subparagraph (A)), the Secretary after notice and opportunity for hearing, may make an order to cease and desist from continuing the violation and assess a civil penalty of not more than $10,000 for each violation.

"(II) CONSIDERATIONS.—In determining the amount of a civil penalty to be assessed under clause (i), the Secretary shall consider the gravity of the offense, the size of the business involved, and the effect of the penalty on the ability of the person to continue in business.

"(iv) REFERRAL TO ATTORNEY GENERAL.—If, after expiration of the period for appeal or after the affirmance of a civil penalty assessed under clause (iii), the person against whom the civil penalty is assessed fails to pay the civil penalty, the Secretary may refer the matter to the Attorney General, who may recover the amount of the civil penalty in a civil action in United States district court.

"(v) APPLICATION.—This subparagraph shall apply only to a person that is engaged in the business of buying, selling, or marketing at least 10 percent of the livestock, livestock products, meat, or meat products bought, sold, or marketed in the United States.

"(B) VOLUNTARY REPORTING.—The Secretary shall encourage voluntary reporting by persons engaged in the business of buying, selling, or marketing livestock, livestock products, meats, or meat products in an unmanufactured form that are not subjected to a mandatory reporting requirement under subparagraph (A).

"(C) AVAILABILITY OF INFORMATION.—The Secretary shall make information received under this paragraph available to the public only in a form that ensures that—

"(i) the identity of the person submitting a report is not disclosed; and

"(ii) the confidentiality of proprietary business information is otherwise protected.

"(D) EFFECT ON OTHER LAWS.—Nothing in this paragraph restricts or modifies the authority of the Secretary to collect voluntary reports in accordance with other provisions of law.".

(2) TECHNICAL AMENDMENT.—Section 203 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622) is amended—

(A) by striking "The Secretary is directed and authorized:"; and

(B) in the first sentence of each of subsections (a) through (f) and subsections (h) through (n), by striking "To" and inserting "The Secretary is authorized and directed to".

(b) PROHIBITION ON NONCOMPETITIVE PRACTICES.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) in subsection (g), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following:

"(h) Engage in any practice or device that the Secretary by regulation, after consultation with producers of cattle, lamb, and hogs, and other persons in the cattle, lamb, and hog industries, determines is a detrimental noncompetitive practice or device relating to the price or a term of sale for the procurement of livestock or the sale of meat or other byproduct of slaughter.".

(c) PROTECTION OF LIVESTOCK PRODUCERS AGAINST RETALIATION BY PACKERS.—

(1) RETALIATION PROHIBITED.—Section 202(b) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(b)), is amended—

(A) by striking "or subject" and inserting "subject"; and

(B) by inserting before the semicolon at the end the following: ", or retaliate against any livestock producer on account of any statement made by the producer (whether made to the Secretary or a law enforcement agency or in a public forum) regarding an action of any packer".

(2) SPECIAL REQUIREMENTS REGARDING ALLEGATIONS OF RETALIATION.—Section 203 of the

Packers and Stockyards Act, 1921 (7 U.S.C. 193), is amended by adding at the end the following:

"(e) SPECIAL PROCEDURES REGARDING ALLEGATIONS OF RETALIATION.—

"(1) CONSIDERATION BY SPECIAL PANEL.—The Secretary shall appoint a special panel consisting of 3 members to receive and initially consider a complaint submitted by any person that alleges prohibited packer retaliation under section 202(b) directed against a livestock producer.

"(2) COMPLAINT; HEARING.—If the panel has reason to believe from the complaint or resulting investigation that a packer has violated or is violating the retaliation prohibition under section 202(b), the panel shall notify the Secretary who shall cause a complaint to be issued against the packer, and a hearing conducted, under subsection (a).

"(3) EVIDENTIARY STANDARD.—In the case of a complaint regarding retaliation prohibited under section 202(b), the Secretary shall find that the packer involved has violated or is violating section 202(b) if the finding is supported by a preponderance of the evidence.".

(3) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—Section 203 of the Packers and Stockyards Act, 1921 (7 U.S.C. 193) (as amended by subsection (b)), is amended by adding at the end the following:

"(f) DAMAGES FOR PRODUCERS SUFFERING RETALIATION.—

"(1) IN GENERAL.—If a packer violates the retaliation prohibition under section 202(b), the packer shall be liable to the livestock producer injured by the retaliation for not more than 3 times the amount of damages sustained as a result of the violation.

"(2) ENFORCEMENT.—The liability may be enforced either by complaint to the Secretary, as provided in subsection (e), or by suit in any court of competent jurisdiction.

"(3) OTHER REMEDIES.—This subsection shall not abridge or alter a remedy existing at common law or by statute. The remedy provided by this subsection shall be in addition to any other remedy.".

(d) REVIEW OF FEDERAL AGRICULTURE CREDIT POLICIES.—The Secretary of Agriculture, in consultation with the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, and the Chairman of the Board of the Farm Credit Administration, shall establish an interagency working group to study—

(1) the extent to which Federal lending practices and policies have contributed, or are contributing, to market concentration in the livestock and dairy sectors of the national economy; and

(2) whether Federal policies regarding the financial system of the United States adequately take account of the weather and price volatility risks inherent in livestock and dairy enterprises.

SEC. 705. LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS.

(a) DEFINITIONS.—Section 1 of the Federal Meat Inspection Act (21 U.S.C. 601) is amended by adding at the end the following:

"(w) BEEF.—The term 'beef'' means meat produced from cattle (including veal).

"(x) LAMB.—The term 'lamb' means meat, other than mutton, produced from sheep.

"(y) BEEF BLENDED WITH IMPORTED MEAT.—The term 'beef blended with imported meat' means ground beef, or beef in another meat food product that contains United States beef and any imported beef.

"(z) LAMB BLENDED WITH IMPORTED MEAT.—The term 'lamb blended with imported meat' means ground meat, or lamb in another meat food product, that contains United States lamb and any imported lamb.

"(aa) IMPORTED BEEF.—The term 'imported beef' means any beef, including any fresh muscle cuts, ground meat, trimmings, and beef in another meat food product, that is not United States beef, whether or not the beef is graded with a quality grade issued by the Secretary.

"(bb) IMPORTED LAMB.—The term 'imported lamb' means any lamb, including any fresh muscle cuts, ground meat, trimmings, and lamb in another meat food product, that is not United States lamb, whether or not the lamb is graded with a quality grade issued by the Secretary.

"(cc) UNITED STATES BEEF.—

"(1) IN GENERAL.—The term 'United States beef' means beef produced from cattle slaughtered in the United States.

"(2) EXCLUSIONS.—The term 'United States beef' does not include—

"(A) beef produced from cattle imported into the United States in sealed trucks for slaughter;

"(B) beef produced from imported carcasses;

"(C) imported beef trimmings; or

"(D) imported boxed beef.

"(dd) UNITED STATES LAMB.—

"(1) IN GENERAL.—The term 'United States lamb' means lamb, except mutton, produced from sheep slaughtered in the United States.

"(2) EXCLUSIONS.—The term 'United States lamb' does not include—

"(A) lamb produced from sheep imported into the United States in sealed trucks for slaughter;

"(B) lamb produced from an imported carcass;

"(C) imported lamb trimmings; or

"(D) imported boxed lamb.".

(b) LABELING.—

(1) IMPORTED BEEF OR IMPORTED LAMB.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended by adding at the end the following:

"(13)(A) If it is imported beef or imported lamb offered for retail sale as fresh muscle cuts of beef or lamb and is not accompanied by labeling that identifies it as imported beef or imported lamb.

"(B) If it is United States beef or United States lamb offered for retail sale, or offered and intended for export as fresh muscle cuts of beef or lamb, and is not accompanied by labeling that identifies it as United States beef or United States lamb.

"(C) If it is United States or imported ground beef or other processed beef or lamb product and is not accompanied by labeling that identifies it as United States beef or United States lamb, imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the content of United States beef and imported beef United States lamb and imported lamb or contained in the product, as determined by the Secretary under section 7(h).".

(2) COUNTRY OF ORIGIN.—Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) is amended by adding at the end the following:

"(g) COUNTRY OF ORIGIN.—Imported beef, imported lamb, or ground beef, ground lamb, or other processed beef or lamb product made from imported beef or imported lamb described in section 1(n) may be marked, labeled, or otherwise identified to indicate the country of origin.".

(3) CONFORMING AMENDMENT.—Section 20(a) of the Federal Meat Inspection Act (21 U.S.C. 620(a)) is amended by adding at the end the following: "All imported beef or imported lamb offered for retail sale as fresh muscle cuts of beef or lamb shall be plainly and conspicuously marked, labeled, or otherwise identified as imported beef or imported lamb.".

(c) GROUND OR PROCESSED BEEF AND LAMB.—Section 7 of the Federal Meat Inspection Act (21 U.S.C. 607) (as amended by subsection (b)(2)) is amended by adding at the end the following:

"(h) GROUND OR PROCESSED BEEF AND LAMB.—

"(1) VOLUNTARY LABELING.—Subject to paragraph (2), the Secretary shall provide by regulation for the voluntary labeling or identification of ground beef, ground lamb, or other processed beef or lamb product as—

"(A) United States beef or United States lamb, beef blended with United States meat or lamb blended with United States meat, or other designation that identifies the content of United States beef or United States lamb contained in the product; or

"(B) imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the content of imported beef or imported lamb contained in the product;

as determined by the Secretary.

"(2) MANDATORY LABELING.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not later than 18 months after the date of enactment of this subsection, the Secretary shall provide by regulation for the mandatory labeling or identification of ground beef, ground lamb, or other processed beef or lamb product made from imported beef or imported lamb as imported beef or imported lamb, beef blended with imported meat or lamb blended with imported meat, or other designation that identifies the content of imported beef or imported lamb contained in the product, as determined by the Secretary.

"(B) APPLICATION.—Subparagraph (A) shall not apply to the extent the Secretary determines that the costs associated with labeling under subparagraph (A) would result in an unreasonable burden on producers and processors, retailers, or consumers.".

(d) GROUND BEEF AND GROUND LAMB LABELING STUDY.—

(1) IN GENERAL.—The Secretary of Agriculture shall conduct a study of the effects of the mandatory use of imported, blended, or content labeling on ground beef, ground lamb, and other processed beef or lamb products made from imported beef or imported lamb.

(2) COSTS AND RESPONSES.—The study shall be designed to evaluate the costs associated with and consumer response toward the mandatory use of labeling described in paragraph (1).

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report the findings of the study conducted under paragraph (1) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(e) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate final regulations to carry out the amendments made by this section.

SEC. 706. EMERGENCY REQUIREMENT.

(a) BUDGET REQUEST.—The entire amount necessary to carry out this title and the amendments made by this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for

the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION BY CONGRESS.—The entire amount of funds necessary to carry out this title and the amendments made by this title is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

DASCHLE (AND OTHERS) AMENDMENT NO. 3581

Mr. DASCHLE (for himself, Mr. HARKIN, Mr. DORGAN, Mr. JOHNSON, Mr. KERREY, Mr. CONRAD, Mr. BAUCUS, and Mr. WELLSTONE) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 199, between lines 15 and 16, insert the following:

TITLE VII—EMERGENCY AGRICULTURAL ASSISTANCE

SEC. 701. MARKETING ASSISTANCE LOANS.

(a) MARKETING ASSISTANCE LOANS.—

(1) LOAN RATES.—Notwithstanding section 132 of the Agricultural Market Transition Act (7 U.S.C. 7232), for crop year 1998, loan rates for a loan commodity (as defined in section 102 of that Act (7 U.S.C. 7202)), other than rice, shall not be subject to any dollar limitation on loan rates prescribed under subsection (a)(1)(B), (b)(1)(B), (c)(2), (d)(2), (f)(1)(B), or (f)(2)(B) of section 132 of that Act.

(2) RICE.—Notwithstanding section 132(e) of that Act, for crop year 1998, the loan rate for a marketing assistance loan under section 131 of that Act (7 U.S.C. 7231) for rice shall be not less than the greater of—

(A) $6.50 per hundredweight; or

(B) 85 percent of the simple average price received by producers of rice, as determined by the Secretary of Agriculture, during the marketing years for the immediately preceding 5 crops of rice, excluding the year in which the average price was the highest and the year in which the average price was the lowest in the period.

(3) TERM OF LOAN.—Notwithstanding section 133(c) of that Act (7 U.S.C. 7233(c)), for crop year 1998, the Secretary may extend the term of a marketing assistance loan for any loan commodity for a period not to exceed 6 months.

(b) APPLICATION.—

(1) IN GENERAL.—The authority provided by this section applies to the 1998 crop of a loan commodity.

(2) LOANS.—This section applies to a marketing assistance loan for a loan commodity made under subtitle C of the Agricultural Market Transition Act (7 U.S.C. 7231 et seq.) for the 1998 crop year before, on, or after the date of enactment of this Act.

SEC. 706. EMERGENCY REQUIREMENT.

(a) BUDGET REQUEST.—The entire amount necessary to carry out this title and the amendments made by this title shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.).

(b) DESIGNATION BY CONGRESS.—The entire amount of funds necessary to carry out this title and the amendments made by this title is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

CAMPBELL AMENDMENT NO. 3582

Mr. GORTON (for Mr. CAMPBELL) proposed an amendment to the bill, S. 2237, supra; as follows:

Under the heading "Bureau of Indian Affairs", "Construction" on page 33, strike the second proviso.

GORTON AMENDMENTS NOS. 3583–3585

Mr. GORTON proposed three amendments to the bill, S. 2237, supra; as follows:

AMENDMENT NO. 3583

At the end of Title I, General Provisions, add the following new section:

SEC. . Notwithstanding any other provision of law, the Tribal Self-Governance Act (25 U.S.C. §458aa et seq.) is amended at §458ff(c) by inserting "450c(d)," following the word "sections".

AMENDMENT NO. 3584

At the end of Title III, add the following new section:

SEC. . (a) IN GENERAL.—To reflect the intent of Congress set forth in Public Law 98–396, section 4(a)(2) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544(a)(2)) is amended—

(1) by striking "(2) The boundaries" and inserting the following:

"(2) BOUNDARIES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the boundaries"; and (2) by adding at the end of the following:

"(B) EXCLUSIONS.—The scenic area shall not include the approximately 29 acres of land owned by the Port of Camas-Washougal in the South ½ of Section 16, Township 1 North, Range 4 East, and the North ½ of Section 21, Township 1 North, Range 4 East, Willamete Meridian, Clark County, Washington, that consists of—

"(i) the approximately 19 acres of Port land acquired from the Corps of Engineers under the Second Supplemental Appropriations Act, 1984 (Public Law 98–396); and

"(ii) the approximately 10 acres of adjacent Port land to the west of the land described in clause (i)."

(b) INTENT.—The amendment made by the subsection (a)—

(1) is intended to achieve the intent of Congress set forth in Public Law 98–396; and

(2) is not intended to set a precedent regarding adjustment or amendment of any boundaries of the Columbia River Gorge National Scenic Area or any other provisions of the Columbia River Gorge National Scenic Area Act.

AMENDMENT NO. 3585

On page 13, line 13, before the period at the end insert the following: ", and of which no amount shall be available for acquisition of the Texas Chenier Plain".

HOLLINGS AMENDMENT NO. 3586

Mr. GORTON (for Mr. HOLLINGS) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 74, after line 20, add the following:

SEC. 1__. CORRECTION TO COASTAL BARRIER RESOURCES SYSTEM MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary to restore on that map the September 30, 1982, boundary for Unit M09 on the portion of Edisto Island located immediately to the south and west of the Jeremy Cay Causeway.

(b) MAP DESCRIBED.—The map described in this subsection is the map included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled "Edisto Complex M09/M09P".

MIKULSKI (AND SARBANES) AMENDMENT NO. 3587

Mr. GORTON (for Ms. MIKULSKI for herself and Mr. SARBANES) proposed an amendment to the bill, S. 2237, supra; as follows:

On page 74, after line 20, add the following:

SEC. 1__. LAND EXCHANGE IN THE DISTRICT OF COLUMBIA AND PRINCE GEORGE'S COUNTY, MARYLAND.

Section 135 of the Department of the Interior and Related Agencies Appropriations Act, 1998 is amended by adding at the end the following:

"(g) ENVIRONMENTAL IMPACT STATEMENT, COMPLIANCE WITH LAW.—As a condition of the exchange of property under this subsection, the Secretary shall—

"(1) prepare an environmental impact statement in accordance with the National Environmental Policy Act; and

"(2) comply with all other applicable laws (including regulations) and rules relating to property transfers.".

STEVENS AMENDMENTS NOS. 3588–3589

Mr. GORTON (for Mr. STEVENS) proposed two amendments to the bill, S. 2237, supra; as follows:

AMENDMENT NO. 3588

On page 59, line 25, insert between the words "Alaska" and "prior" the following: "for assignment to a Type I hot shot crew that previously has been certified and listed in the Bureau of Land Management 1998 Interagency National Mobilization Guide,".

AMENDMENT NO. 3589

S. 2237 is hereby amended as follows:

At page 19, line 20, add the following after the word "program": "and of which $4,400,000 shall be available for the Katmai National Park Land Exchange".

At the appropriate place insert the following new section;

SEC. XXX. KATMAI NATIONAL PARK LAND EXCHANGE.

(a) RATIFICATION OF AGREEMENT.—

(1) RATIFICATION.—

(A) IN GENERAL.—The terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled "Agreement for the Sale, Purchase and Conveyance of Lands between the Heirs, Designees and/or Assigns of Palakia Melgenak and the United States of America" (hereinafter referred to in this section as the "Agreement"), executed by its signatories, including the heirs, designees and/or assigns of Palakia Melgenak (hereinafter referred to in this section as the "Heirs") effective on September 1, 1998 are authorized, ratified and confirmed, and set forth the obligations and commitments of the United States and all other signatories, as a matter of federal law.

(B) NATIVE ALLOTMENT.—Notwithstanding any provision of law to the contrary, all lands described in section 2(c) of the Agreement for conveyance to the Heirs shall be deemed a replacement transaction under "an Act to relieve restricted Indians in the Five Civilized Tribes whose nontaxable lands are required for State, county or municipal improvements or sold to other persons or for other purposes" (25 U.S.C. 409a, 46 Stat. 1471), as amended, and the Secretary shall convey such lands by a patent consistent with the terms of the Agreement and subject to the same restraints on alienation and tax-exempt status as provided for Native allotments pursuant to "an Act authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska" (34 Stat. 197), as amended, repealed by section 18(a) the Alaska Native Claims Settlement Act (85 Stat. 710), with a savings clause for applications pending on December 18, 1971.

(C) LAND ACQUISITION.—Lands and interests in land acquired by the United States pursuant to the Agreement shall be administered by the Secretary of the Interior (hereinafter referred to as the "Secretary") as part of the Katmai National Park, subject to the laws and regulations applicable thereto.

(2) MAPS AND DEEDS.—The maps and deeds set forth in the Agreement generally depict the lands subject to the conveyances, the retention of consultation rights, the conservation easement, the access rights, Alaska Native Allotment Act status, and the use and transfer restrictions.

(b) KATMAI NATIONAL PARK AND PRESERVE WILDERNESS.—Upon the date of closing of the conveyance of the approximately 10 acres of Katmai National Park Wilderness lands to be conveyed to the Heirs under the Agreement, the following lands shall hereby be designated part of the Katmai Wilderness as designated by section 701(4) of the Alaska National Interest Lands Conservation (16 U.S.C. 1132 note; 94 Stat. 2417):

A strip of land approximately one half mile long and 165 feet wide lying within Section 1, Township 24 South, Range 33 West, Seward Meridian, Alaska, the center line of which is the center of the unnamed stream from its mouth at Geographic Harbor to the north line of said Section 1. Said unnamed stream flows from the unnamed lake located in Sections 25 and 26, Township 23 South, Range 33 West, Seward Meridian. This strip of land contains approximately 10 acres.

(c) AVAILABILITY OF APPROPRIATION.—None of the funds appropriated in this Act or any other act hereafter enacted for the implementation of the Agreement may be expended until the Secetary determines that the Heirs have signed a valid and full relinquishment and release of any and all claims described in section 2(d) of the Agreement.

(d) GENERAL PROVISIONS.—

(1) All of the lands designated as Wilderness pursuant to this section shall be subject to any valid existing rights.

(2) Subject to the provisions of the Alaska National Interest Lands Conservation Act, the Secretary shall ensure that the lands in the Geographic Harbor area not directly affected by the Agreement remain accessible for the public, including its mooring and mechanized transportation needs.

(3) The Agreement shall be placed on file and available for public inspection at the Alaska Regional Office of the National Park Service, at the office of the Katmai National Park and Preserve in King Salmon, Alaska, and at least one public facility managed by the federal, state or local government located in each of Homer, Alaska, and Kodiah, Alaska and such other public facilities which the Secretary determines are suitable and accessible for such public inspections. In addition, as soon as practicable after enactment of this provisions, the Secretary shall make available for public inspection in those same offices, copies of all maps and legal descriptions of land prepared in implementing either the Agreement of this section. Such legal description shall be published in the Federal Register and filed with the Speaker of the House of Representatives and the President of the Senate.

WYDEN AMENDMENT NO. 3590

Mr. GORTON (for Mr. WYDEN) proposed an amendment to the bill S. 2237, supra; as follows:

On page 74, after line 20, add the following:

SEC. 1—.WATERSHED REGISTRATION AND ENHANCEMENT AGREEMENTS.

Section 124(a) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (16 U.S.C. 1011(a)) is amended by striking "with willing private landowners for restoration and enhancement of fish, wildlife, and other biotic resources on public or private land or both" and inserting "with the heads of other Federal agencies, tribal, State, and local governments, private nonprofit entities, and landowners for the protection restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and the reduction of risk from natural disaster where public safety is threatened".

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a conferee meeting of the Senate Committee on Labor and Human Resources and the House Committee on Education and the Workforce will be held on Tuesday, September 15, 1998, 2:00 P.M., in SD–430 of the Senate Dirksen Building. The subject of the meeting is H.R. 6, Higher Education Act Amendments of 1998. For further information, please call the committee, 202/224–5375.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 16, 1998 at 9:30 a.m. in Room SR–301 Russell Senate Office Building, to receive testimony from the Architect of the Capitol on plans to renovate the Dirksen Senate Office Building and the Capitol Dome.

For further information concerning this meeting, please contact Sherry Little at the Rules Committee on 4–0192.

SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled "The National Cancer Institute's Management of Radiation Studies."

This hearing will take place on Wednesday, September 16, 1998, at 9:30 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Pamela Marple, the Subcommittee's Minority Chief Counsel at 224–2627.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, September 16, 1998 at 10:00 a.m. in Room SR–301 Russell Senate Office Building, to receive testimony on S. 2288, the Wendell H. Ford Government Publications Act of 1998.

For further information concerning this meeting, please contact either Ed Edens at the Rules Committee on 4–6678, or Eric Peterson at the Joint Committee on Printing on 4–7774.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that during the previously scheduled full committee hearing to consider Department of Energy and Department of Interior nominations, the Energy and Natural Resources will consider the nomination of T.J. Glauthier to be Deputy Secretary of Energy. The hearing will take place on Thursday, September 17, 1998 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, September 17, 1998, 10:00 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is Professional Development: Incorporating Advances in Teaching. For further information, please call the committee, 202/224–5375.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the hearing that was scheduled for Thursday, September 24, 1998 at 2:00 p.m. before the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources, to receive testimony on S. 1372, to provide for the protection of farmland at the Point Reyes National Seashore, and for other purposes, has been canceled.

For further information, please contact Jim O'Toole of the Subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEE TO MEET

SPECIAL COMMITTEE ON AGING

Mr. THOMAS. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to

meet on September 14, 1998, at 1 p.m., in Dirksen 628, for the purpose of conducting a hearing.

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

ADDITIONAL STATEMENTS

TRIBUTE TO "LIB" SMITH: 1911–1998

• Mr. HELMS. Mr. President, there was this lady of nobility, whom everybody called "Lib," who was loved by everyone who knew her. She slipped away into eternity on August 15 prompting sadness among the multitudes whom she had helped and befriended during her busy lifetime.

I met Mrs. Elisabeth Smith in 1972, the year I first became a candidate for the U.S. Senate. She came to our campaign headquarters in Raleigh's Sir Walter Hotel, announcing that she had come to support me—perhaps the most improbable Senate candidate in the history of the republic.

And support me she did, vigorously, from the first campaign in 1972 down through the years until 1996, the year of my fourth reelection.

That day in 1972, she had just retired after long service as a registered nurse in the office of a prominent Raleigh physician.

There was never any question about her fervent love for her country, nor her devotion to the moral and spiritual principles laid down by the Founding Fathers.

She agreed to take on the responsibilities of treasurer of four of the five campaigns conducted by the Helms for Senate campaign organizations.

Year after year, Lib Smith was a sort of beloved "mother hen" to the throngs of volunteer campaign workers as well as those who bore primary responsibilities conducting the campaigns. She was a soothing influence when tempers festered. She was a reliable friend to all who needed her. And she performed perfectly and responsibly as the official Treasurer of every Helms for Senate campaign from 1978 through 1990.

She was a faithful member of St. Timothy's Episcopal Church, the Diocese of North Carolina, and the Altar Guild. In her "spare time" she did the needlework for St. Timothy's Altar Vestments—as well as anything else that needed doing at her church.

I learned only recently that she was renowned as a ballroom dancer—and as an artist who painted many portraits of loved ones and friends. Her two children—son Phillip W. Smith and daughter Mrs. Gayle Bullock—provided her with four grandchildren and six great-grandchildren.

Mr. President, I know of no one who enjoyed life more than Lib Smith. She brought joy and comfort to countless others. She was a wonderfully remarkable lady whom I will never forget and to whom I shall always be grateful.•

VERMONT MOZART FESTIVAL

• Mr. LEAHY. Mr. President, I rise today to speak about an event that has been a Vermont cultural tradition for twenty-five years. The Vermont Mozart Festival began in 1974, and through the vision of its founders, it has grown tremendously in popularity, today attracting over 17,000 advance ticket buyers for a series of 25 concerts in 16 different locations across the state.

The international acclaim of Wolfgang Amadeus Mozart is clearly demonstrated by the long distances loyal festival attendees travel each year. Concert-goers flock from all across the United States, Canada and even as far away as Europe to hear top-caliber musicians perform world-class compositions. These faithful return year after year to hear the works of a variety of composers, with a primary focus on the symphonies, concertos and other brilliant works of Mozart.

The festival is a tradition for the Leahy family. I was honored when the festival asked me to speak at a concert to honor its 25th anniversary. I took this opportunity to praise the musicians but also to acknowledge the dedication of the festival organizers and the expansive volunteer network, now numbering over 150. The fruits of their efforts are clear from the warm applause that bring the curtain down at the end of each performance.

Mr. President, I ask that a recent article about the Vermont Mozart Festival that appeared in the Rutland Herald be printed in the RECORD so that all Senators and their staff can learn more about this great Vermont tradition.

The article follows:

[From the Rutland Herald, July 5, 1998]

FESTIVAL CELEBRATES 25TH YEAR WITH MORE GREAT MUSIC

(By Jim Lowe)

The Vermont Mozart Festival's 25 years of success come from turning adversity to advantage, making the most of a situation, according to two of its founders, Melvin Kaplan and William Metcalfe.

When Kaplan, the festival's artistic director from the beginning, discovered Shelburne Farms in a book of North American barns, he got himself invited to tea with Elizabeth Webb, the estate's owner.

"No one living in this community 25 years ago had ever seen it. It was a private home. It was like stepping into a fairy tale," Kaplan said.

"So I said to her, 'Gee, two years from now we're going to start a festival, and it would be wonderful to have concerts here.' And she said, 'Why don't you come and have your concerts here?' A lot of people wouldn't have asked the question."

Five months before the festival opened, however, the Webb children reduced the offer to only a few concerts each year. "Because of that, we turned it into doing multiple locations, which turned out to be a big plus," Kaplan said.

"I think of the concept, which is so special," added Metcalfe, who conducts choral and orchestral concerts, as well as leading the annual Gilbert and Sullivan operetta. "I think the concept, in my mind, is that you take advantage of the special locations we have around Burlington, and you put high quality music into those locations, and build programs in a way which suits the locations. I think that makes this festival very special."

The Vermont Mozart Festival is celebrating its 25th anniversary this summer with 25 concerts at 16 different locations in 12 towns. After a special presentation of the Peter Shaffer play, "Amadeus," July 10 and 11 at Burlington's Flynn Theatre, produced with Vermont Stage Company and the Flynn, the festival will formally open July 12 with the orchestral concert at Shelburne Farms, including the annual dressage exhibition. The festival actually opened July 4 with a pre-season holiday concert at Sugarbush, and closes Aug. 12 at Stowe's Trapp Family Meadow.

"They've got a great theme—the whole notion of Mozart, the greatest composer who ever lived," Thomas Philibon, executive director of the Vermont Symphony Orchestra, said of the festival's success.

"They've been at it all those years, and they really know how to fix up the events and make it so they can attract a lot of happy people."

It all started when Kaplan, a professional oboist and New York concert manager, and his wife, violist Ynez Lynch, bought a barn in Charlotte in 1971, and converted it into a house. He was approached by University of Vermont Lane Series director Jack Trevithick, UVM choral director James Chapman and Metcalfe, who though a UVM history professor had taken over the music department for a year. They asked him to join them in creating a summer music event.

Thus, in 1974, under the auspices of the UVM Lanes Series, the first Vermont Mozart Festival presented 10 concerts over a two-week period, including the opening concert at the UVM Show Barn, Mozart piano concertos on the Lake Champlain Ferry performed by Beaux Arts Trio pianist Menahem Pressler, and myriad ancillary activities. The concert in the Shelburne Farms ballroom was the first time the Webb estate had ever been used for a public event.

Kaplan had connections throughout the music world, and invited some of his well-known musician friends, including Pressler, New York Philharmonic Principal Flutist Julius Baker, as well as his own world-touring ensembles, the New York Chamber Soloists and the Festival Winds. Over 25 years, the festival has attracted some of the world's greatest musicians, including a benefit concert in 1980 by Benny Goodman.

"He looked like a very old man," Kaplan said of the great jazz clarinetist's performance. "He walked up on stage, started to play, and lost 40 years. It was just astonishing."

The festival featured L'Orchestre Symphonique de Montreal (Montreal Symphony) in 1989, but over the years it has presented concerts by such famed ensembles as the Beaux Arts Trio, the Guarneri Quartet, and the Tokyo Quartet. The Emerson String Quartet and the Ying Quartet can thank the festival for some of their earliest concerts. (Both are returning this season.)

"It becomes more like family," Kaplan said. "The people that come here come from San Francisco, Montreal, Ottawa, Philadelphia, New York, etc. Some people come from Europe. Almost all of them have known each other from 30 to 50 years. It's like getting a big family back together."

"It's also true that we've had Vermont musicians here, and it's still true. It's a wonderful mix of people from all over the place," Metcalfe added.

Programming, too, has broadened out of necessity. The first two years were devoted entirely to Mozart, including symphonies, piano concertos, chamber and choral works. After the second year, with three weeks of concerts, it was decided to vary the programming. In addition to the 206 works by Mozart the festival programmed over 25 years, 1,948 by other composers have been performed.

"In the beginning, we felt that an audience of 600 or 700 for big events was enormous," Kaplan said. "When we started to get audiences of 1,900 and 2,000, I convinced the board it made no sense to play a Mozart symphony with just five strings. Little by little, we've increased it so that we have as big an orchestra as we could put on the Shelburne Farms porch. We're stretching it a tiny bit to do Brahms Double Concerto this year."

Still, Mozart remains the staple, and for this year's final concert at Shelburne Farms Aug. 1, Metcalfe will conduct his Oriana Singers and the Festival Orchestra in Robert Levin's new orchestration of the Requiem. (Mozart died before the work was completed; the version traditionally performed is by his student, Franz Sussmayr.)

"It's different, and I think it's really good," Metcalfe said. "Part of the Mozart Festival tradition is to introduce new things as well as maintain continuity. It opens your ears."

The festival was a popular success from the beginning, with all concerts selling out the first year, but achieving financial stability took a while. After opening with a $36,000 budget, the festival incurred substantial deficits for its first three years, while under the financial umbrella of the University of Vermont.

When UVM then dropped the festival as a financial liability, its leaders managed to turn it to their advantage. Previously, Burlington businessman Duncan Brown had told Kaplan that if there was any problem with the university, he would solve it.

"I called him," Kaplan said. "He said, 'What do you need?' I said I needed $55,000 and a secretary to do nothing but that, and an office for her."

Brown hired the secretary, provided space for her at his office, and called together a meeting of a hundred of his music-loving friends and acquaintances at St. Paul's Cathedral.

"Ultimately, it ended up with a bunch of people sitting around saying they didn't want it to die. They met again, and formed the corporation." Kaplan said. "It was much better for the festival to have a community board that was invested emotionally and financially in the whole operation."

Today, the festival has a budget of just over $600,000, with a year-round full-time staff of three, two more in summer. Ticket sales have grown from $13,917 in 1974 to $307,316 in 1997. This year, some 17,000 tickets—6,000 more than last year—were sold by the June 15 discount deadline.

If tickets were to pay the cost of the festival, though, they would be $30 as opposed to the $19 charged, explained Trish Sweeney, the festival's executive director since 1996. Fund-raising activities make up the rest, including individual gifts (membership), and merchandise sales, but the largest portion is business sponsorship.

Volunteers, numbering some 160, represent the festival's major support group. It requires 60 for each Shelburne Farms concert. "We have so many who are coming to every concert, which is a blessing because they really know what they are doing," Sweeney said. "People jockey for concerts. For the smaller ones, we have to turn people away."

Although the festival is celebrating its 25th anniversary this year, it doesn't have time to rest. Most of its next season is already set, much of it based on the Paris Piano Trio, which was so successful in the winter season's Burlington chamber music series.

"I think we're going to do the Beethoven Triple Concerto on the opening concert," Kaplan said. "And then on the weekend, on the Friday, Saturday and Sunday, they'll each play a solo with orchestra, and they'll do a trio concert in the middle of that week."•

IN RECOGNITION OF NATIONAL PAYROLL WEEK 1998

• Mr. SANTORUM. Mr. President, I would like to take a few minutes of Senate business to recognize National Payroll Week 1998, which has been designated as September 14–18.

National Payroll Week was founded by the American Payroll Association in 1996 to honor the men and women whose tax contributions support the American Dream and the payroll professionals who are dedicated to processing those contributions.

In particular, the Susquehanna Valley Chapter of the American Payroll Association represents 186,000 residents in Pennsylvania who are employed by 21 businesses. These taxpayers and businesses contribute millions of dollars to the federal treasury through payroll taxes each year. These taxes go toward important civic projects including roads, schools and crime prevention. In addition, taxpayers and payroll professionals are partners in upholding the Social Security and Medicare systems.

Mr. President, I ask my colleagues to join with me in commending the taxpayers and payroll professionals who, through the collection, reporting and payment of payroll taxes, have set a national precedent of what works in America.•

HEROES IN REDFORD TOWNSHIP

• Mr. ABRAHAM. Mr. President, I rise today to recognize the heroic actions of Sgt. James Turner and Sgt. Adam Pasciak of the Redford Township Police Department in Michigan. On June 10, 1998 both gentlemen were patrolling the South end of Redford Township when they made a routine traffic stop. It was discovered upon investigating that the driver of the vehicle had a revoked driver's license. Sgt. Turner and Sgt. Pasciak approached the car to place the driver under arrest. As Sgt. Pasciak began to pat the subject down, the subject pulled out a gun and began to shoot. Sgt. Pasciak was critically wounded while Sgt. Turner shot back to protect himself and Sgt. Pasciak. Further gunfight ensued between Sgt. Turner and the subject ending in the subject being mortally wounded. The lives of both Sgt. Turner and his partner were saved.

Sgt. Turner and Sgt. Pasciak displayed tremendous bravery on June 10, 1998. They are true heroes whom Redford Township and the State of Michigan should be very proud of. It is my pleasure to honor both of them. I also send my warmest "get well" wishes to Sgt. Pasciak who is recovering from his gunshot wounds at home.•

EBRI'S 20TH ANNIVERSARY

• Mr. GRASSLEY. Mr. President, I rise today to recognize an organization that has served the U.S. Senate well for 20 years. The organization I want to talk about is the Employee Benefit Research Institute or EBRI, as we call it. EBRI is observing its 20th anniversary today, September 14. Created with the help of a handful of employee benefit consultants and actuaries in 1978 who wanted to fill the void that existed relating to data about employee benefits, EBRI has increased its membership to include representatives from pension funds to Fortune 500 companies, labor unions, and trade associations.

With this broad representation, EBRI has the ability to influence policymakers and elected officials throughout the country. But EBRI uses its influence wisely. EBRI does not lobby Members of Congress or other governmental agencies. Rather, its mission is to provide objective, nonpartial information on the issues of economic security and employee benefits. EBRI does its job very, very well.

As Chairman of the Senate Special Committee on Aging, I can personally attest to the value of EBRI's work and the expertise of its staff. Last year, the CEO of EBRI, Dallas Salisbury moderated a panel forum consisting of 6 experts who discussed the role of employment in retirement income. This forum led to a Senate hearing on the issue of the implications of raising the retirement age, as well as a number of articles in newspapers and magazines on the need to consider whether older Americans have sufficient opportunities to stay employed.

More recently, EBRI was actively involved with its educational partner, the American Savings Education Council (ASEC), in the planning of the first National Summit on Retirement Savings. This Summit was part of an initiative I introduced in the Senate called the Savings Are Vital to Everyone's Retirement or SAVER Act. The Summit attracted international attention and has put the Department of Labor, ASEC, and state and local governments on a course toward enhancing the awareness of Americans about the need to save for retirement and how to go about it.

I know my colleagues value the work of EBRI just as much I do. In the years ahead, I am sure we will continue to rely heavily on the research and the publications produced by EBRI. The issues EBRI concerns itself with—employee benefits and income security—are receiving more national attention than ever before. EBRI's contributions as an objective provider of information will help make the job of ensuring Americans have health and income security in retirement easier to achieve.•

TRIBUTE TO BENNY GOLSON

• Mr. SANTORUM. Mr. President, I rise today to pay tribute to Benny Golson for his extraordinary career as a musician and a composer.

I am proud to say that Mr. Golson began his professional career in Philadelphia. He went on to compose music for many household names such as Diana Ross, Sammy Davis, Jr., Mickey Rooney and Dizzy Gillespie. He then began writing for the hit TV shows "M*A*S*H" and "The Partridge Family" as well as pilots for CBS, ABC and NBC and the Academy Awards.

During a two year residency at William Paterson College, Mr. Golson wrote a symphony and a piece for violin virtuoso Itzhak Perlman. He also lectured to students and received an honorary doctorate degree. In 1994, Mr. Golson was awarded the Guggeneim Fellowship and, in 1996, a Jazz Masters Award from the N.E.A.

On Sunday, September 27, the Big Jazz Band "Impro-Vista" will perform a tribute to Benny Golson to benefit Philadelphia youth involved in jazz.

Mr. President, I ask my colleagues to join me in applauding Benny Golson for his remarkable professional achievements and his extraordinary contributions to society.•

GEORGETOWN MAJOR BOYS BASEBALL LITTLE LEAGUE TEAM STATE AND CENTRAL REGION CHAMPIONS

• Mr. ABRAHAM. Mr. President, I rise today to congratulate a very special group of young men. On August 6, 1998 the Georgetown Major Boys Baseball Little League Team won the Michigan state little league championship in Ishpeming, Michigan. They then continued on to win the central region championship in Indianapolis. They competed in the Sanctioned Little League World Series in Williamsport, Pennsylvania from August 20–30. Getting to the World Series is testament to the great talent and efforts of this team.

The following 14 boys who make up the team, have undoubtedly made the city of Jenison, Michigan, very proud: Jesse Barfelz, Brandon Button, Tony Clausen, Kevin Hogan, Adam Kretz, Sean Markle, Brett Meyer, Billy Miller, Casey Robrahn, John Sheeran, Derek Stempin, Peter Vanderkalk, Ben VanKlompenberg and Cody Fennema. At this time I would also like to recognize the coaches, Tom Meyer, Tom Button and Dick LeFever. It is a combination of good coaching and talent that leads a team to the kind of success this team has enjoyed.

As an avid fan of baseball it is my pleasure, once again, to congratulate the Georgetown Major Boys Little League team on their state Championship. It is very encouraging to see young people strive for such excellence. This team has made Georgetown Charter Township and the entire state of Michigan very proud.•

ORDERS FOR TUESDAY, SEPTEMBER 15, 1998

Mr. GORTON. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Tuesday, September 15. I further ask that when the Senate reconvenes on Tuesday immediately following the prayer, the Journal of proceedings be approved, no resolutions come over under the rule, the call of the calendar be waived, the morning hour be deemed to have expired, and the time for the two leaders be reserved. I ask consent there then be a period of morning business until 10 a.m. with the time equally divided between the majority and minority leaders or their designees. I further ask unanimous consent that at 10 a.m. the Senate resume consideration of the Interior appropriations bill.

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

Mr. GORTON. I further ask unanimous consent that at 10 a.m. Senator BUMPERS be recognized in order to offer an amendment relating to mining, and that the time until 12:30 be equally divided in the usual form. I ask unanimous consent that at 2:15 there be 10 minutes of debate equally divided in the usual form with a vote occurring on or in relation to the Bumpers amendment at the hour of 2:25 on Tuesday, with no amendments in order to the Bumpers amendment prior to the vote.

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

Mr. GORTON. I further ask unanimous consent that the Senate recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

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

PROGRAM

Mr. GORTON. For the information of all Senators, tomorrow the Senate will resume debate on the Interior appropriations bill. Senator BUMPERS will offer an amendment relating to mining laws with the vote occurring on or in relation to that amendment at 2:25 tomorrow afternoon. Following that vote, it is hoped that Members who still intend to offer amendments to the Interior appropriations bill will work with the managers of the legislation to schedule consideration of their amendments. I thank my colleagues and remind all Members that the first vote will occur on Tuesday beginning at 2:25 in the afternoon.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GORTON. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:11 p.m., adjourned until Tuesday, September 15, 1998, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 1998:

IN THE NAVY

RICHARD DANZIG, OF THE DISTRICT OF COLUMBIA, TO BE SECRETARY OF THE NAVY, VICE JOHN H. DALTON, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. ROBERT C. OLSEN, JR., X...
CAPT. ROBERT D. SIROIS, X...
CAPT. PATRICK M. STILLMAN, X...
CAPT. RONALD F. SILVA, X...
CAPT. DAVID R. NICHOLSON, X...

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE JUDGE ADVOCATE GENERAL OF THE UNITED STATES AIR FORCE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 8037:

To be major general

BRIG. GEN. WILLIAM A. MOORMAN, X...

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. JAMES V. DUGAR, X...

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. ERIC K. SHINSEKI, 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., SECTIONS 624:

To be lieutenant commander

LEANNE K. AABY, X...
TIMOTHY A. ACKERMAN, X...
MICHAEL T. ACROMITE, X...
JOHN M. ADAMS, X...
JOHN Q. ADAMS, X...
MARIE H. ADAMSON, X...
TALMADGE K. ADCOCK, X...
BRIAN F. AGEE, X...
RICHARD E. AGUILA, X...
CHRISTOPHER AGUILAR, X...
FELIX J. AGUTO, X...
KYLE A. ALDINGER, X...
KATHLEEN V. ALDRIDGE, X...
EDWARD ALEXANDER, X...
MARJORIE ALEXANDER, X...
STEPHEN G. ALFANO, X...
THOMAS ALLEN, X...
MATTHEW A. ALLISON, X...
JAMES H. ALTIERI, X...
CURT D. ANDERSEN, X...
ELIZABETH C. ANDERSON, X...
MARK S. ANDERSON, X...
TROY G. ANDERSON, X...
BILLY M. APPLETON, X...
JOSEPH C. AQUILINA, X...
HECTOR A. ARELLANO, JR., X...

MARSHALL E. ASHBY, JR., X...
KRISTEN ATTERBURY, X...
BRIAN K. AUGE, X...
LEE A. AXTELL, X...
JAMES E. BABCOCK II, X...
SCOTT D. BAILEY, X...
LAUREN D. BALES, X...
JULIE H. BALL, X...
GLENN F. BALOG, X...
ANTHONY J. BARILE, X...
STEVEN T. BASEDEN, X...
ROBERT G. BASS, X...
JOHN L. BASTIEN, X...
ANTHONY G. BATTAGLIA, X...
EMMANUEL T. BAUTISTA, X...
MARY F. BAVARO, X...
FREDDIE L. BAZEN, JR., X...
JOHN A. BAZLEY, X...
SCOTT J. BEATTIE, X...
KENNETH A. BELL, X...
MICHAEL M. BELLES, X...
SUSAN E. BELLON, X...
LUIS A. BENEVIDES, X...
CHARLES R. BENSON, X...
ELIZABETH W. BENSON, X...
SHAWN J. BERGAN, X...
DAVID A. BERGER, X...
JEFFREY S. BERGER, X...
ROY BERGSTROM, X...
CARMEN M. BESSELLI, X...
MICHAEL C. BILAK, X...
CAROL L. BLACKWOOD, X...
PHILIP J. BLAINE, X...
MARK A. BLAIR, X...
CHERYL W. BLANZOLA, X...
PATRICK W. BLESCH, X...
SEAN M. BLITZSTEIN, X...
CHRISTOPHER A. BLOW, X...
JOSEPH M. BOBICH, X...
MARC R. BOISVERT, X...
OCTAVIO A. BORGES, X...
PAMELA D. BOSWELL, X...
ROBERT L. BOSWORTH, X...
THOMAS N. BOTTONI, X...
CLIFFORD BOWENS, JR., X...
JUDY L. BOWERS, X...
GEORGE D. BOWLING, X...
LEON F. BRADWAY, X...
CORINNA M. BRANCIO, X...
MICHAEL S. BRAUN, X...
PAMELA J. BRETHAUER, X...
STACY A. BRETHAUER, X...
MICHAEL D. BRIDGES, X...
FREDERICK R. BROOME, X...
KEVIN L. BROWN, X...
WILLIAM L. BROWN, X...
WILLIAM J. BRUNSMAN, X...
BRYAN S. BUCHANAN, X...
KARI A. BUCHANAN, X...
JULIA C. BUCK, X...
KEVIN D. BUCKLEY, X...
NEIL H. BUCKLEY, X...
BRADLEY R. BURNETT, X...
LESLIE K. BURNETT, X...
DAVID R. BUSTAMANTE, X...
SARAH M. BUTLER, X...
THOMAS B. BUTTOLPH, X...
CHRISTINE Y. BUZIAK, X...
IRIS A. BYERS, X...
WILBERT R. BYNUM, X...
BARBARA G. CAILTEUXZEVALLOS, X...
GLENDA M. CALEY, X...
ROBERT A. CALLISON, X...
GREGORY S. CAMBIER, X...
MARQUEZ F. CAMPBELL, X...
PETER J. CAMPBELL, X...
RICHARD S. CAMPBELL, X...
JOSEPH M. CAMPISANO, X...
JOHN F. CAPACCHIONE, X...
JOSEPH P. CARLOS, X...
TIERNEY M. CARLOS, X...
DAVID W. CARLTON, X...
MEGHAN A. CARMODYBUBB, X...
JULIA A. CARON, X...
DONALD R. CARR, X...
EDWIN M. CARROLL, X...
NOLI A. CAVA, X...
SOOK K. CHAI, X...
PAULA Y. CHAMBERLAIN, X...
CHRISTOPHER C. CHARON, X...
CARLA S. CHERRY, X...
KATHY S. CHIVINGTON, X...
THOMAS M. CHUPP, X...
KARINA J. CIESIELSKI, X...
DAVID R. CLARK, X...
JAMES E. CLARK, X...
JOSEPH B. CLEM, X...
RICHARD W. CLINE, X...
SHANE M. CLINE, X...
GEOFFREY M. COAN, X...
KELLY P. COFFEY, X...
VICKI J. COLAPIETRO, X...
DOYLE S. COLEMAN, X...
MICHAEL E. COMPEGGIE, X...
NANCY K. CONDON, X...
REBECCA A. CONRAD, X...
MARY N. COOK, X...
CRAIG L. COOPER, X...
ANN COPPOLA, X...
ROBERT J. CORDELL, X...
DANIEL J. CORNWELL, X...
AMY CORY, X...
PAUL F. COTTER, X...
TIMOTHY P. COWAN, X...
CARL R. COWEN, X...
HUGH J. COX, X...
JAMES G. COX, X...
PEGGY J.A. COX, X...
THOMAS A. CRAIG, X...
PHILIP B. CREIDER, X...
STEVEN D. CRONQUIST, X...
GEORGE A. CROW, X...
STEPHEN T. CRUZ, X...
CATHI L. CULVER, X...
ANDREW M. CUMISKEY, X...
KAREN L. CUNNINGHAM, X...
WILLIAM W. CUPO, X...
SONYA L. CVERCKO, X...
JOSEPH A. DACORTA, X...
MICHAEL P. DALGETTY, X...
WALTER W. DALITSCH, X...
JOHN L. DANGELO, JR., X...
MARY F. DAVID, X...
BILLY A. DAVIDSON, X...
JONATHAN M. DAVIS, X...
WILLIAM F. DAVIS, X...
PHILIP J. DECH, X...
DOMINIC R. DEKERATRY, X...
ANTHONY E. DELGADO, X...
JAMES G. DELUCA, X...
THOMAS P. DELUCIA, X...
DAVID DELZELL, X...
JEFFERY G. DENNY, X...
DANNY W. DENTON, X...
JOHN D. DENTON, X...
HENRIQUE M. DEOLIVEIRA, X...
JOHN R. DESNOYERS, X...
BEVERLY A. DEXTER, X...
TONY DIAZ, X...
JAIME E. DIAZSOLA, X...
MARK P. DIBBLE, X...
MICHAEL DIBONAVENTURA, X...
MARK L. DICK, X...
RICHARD R. DOBHAN, X...
NINO M. DOBROVIC, X...
ERIC DOMINGUEZ, X...
ROBERT J. DONOVAN, X...
JOEL A. DOOLIN, X...
CONSTANCE A. DORN, X...
DOUGLAS H. DOUGHTY, JR., X...
THOMAS L. DRIVER, X...
DAVID W. DROZD, X...
MERRITT W. DUNLAP, X...
THANH X. DUONG, X...
DONALD DURECKI, X...
KYLE A. DURHAM, X...
ANTONIO M. EDMONDS, X...
THEODORE D. EDSON, X...
TIMOTHY R. EICHLER, X...
JOHN C. ELKAS, X...
MELISSA L. EMMERICH, X...
CHARLES W. ERDMAN, X...
JENNIFER L. EVEN, X...
MARY S. FARACE, X...
ROGER F. FAZIO, X...
WENDELL A. FELICIANO, X...
BRYAN K. FINCH, X...
ANNE B. FISCHER, X...
JAMES S. FITZGERALD, X...
CINDY W. FLACK, X...
MARK J. FLYNN, X...
PHILIP A. FOLLO, X...
EVAN V. FORSNES, X...
BILL J. FORTE, X...
TEHRAN FRAZIER, X...
MICHAEL S. FREEDMAN, X...
TIMOTHY M. FRENCH, X...
BARNEY T. FRITZ, X...
GEORGE M. FRUCHTERMAN, X...
DALE H. FULLER II, X...
STEVEN K. GANZEL, X...
MICHAEL J. GARDELLA, X...
PATRICIA D. GARNER, X...
THOMAS E. GAROFALO, X...
MICHELE L. GASPER, X...
RICCARDIO D. GAY, X...
RUDOLPH K. GEISLER, X...
THOMAS F. GEORGE, X...
MARGUERITE A. R. GERMAIN, X...
ROBERT L. GERSH, X...
SAWSAN GHURANI, X...
DAVID W. GIBSON, X...
CHARLES H. GIFFORD, JR., X...
COLLEEN M. GILSTAD, X...
JOHN GILSTAD, X...
PATRICK H. GINN, X...
DANA P. GLASER, X...
MARIA S. GLEBA, X...
WAYNE M. GLUF, X...
PAUL A. GODEK, X...
RICHARD C. GOOD, X...
FRED L. GOODMAN, X...
DARWIN G. GOODSPEED, X...
BRICE A. GOODWIN, X...
BABETTE R. GORDON, X...
STEPHANIE L. GORDON, X...
TIMOTHY S. GORMLEY, X...
GEOFFREY H. GORRES, X...
MARK M. GOTO, X...
MICHAEL J. GOUGH, X...
CATHERINE M. GRAHAM, X...
IAN R. GRAHAM, X...
DANIEL L. GRAMINS, X...
JOSEPH L. GRANADO, X...
KIMBERLY A. GRANVILLELAWSON, X...
CHRISTINE L. GRAY, X...
DAVID E. GRAY, X...
JORGE A. GRAZIANI, X...
JOSEPH E. GREALISH, X...
JOHN N. GREENE, X...
LORE E. GREIL, X...
TODD GRIFFIN, X...
TERENCE M. GROGAN, X...
SHAWN D. GRUNZKE, XX...
LISA C. GUFFEY, X...
JOHN E. GUSTAVSSON, X...
CHRISTOPHER S. HAHN, X...
JEFFREY J. HAHN, X...
WILLIAM O. HAISSIG, X...
TERRY J. HALBRITTER, X...
JOHN HALL, X...
PATRICK G. HALL, X...
CHRISTOPHER A. HAM, X...
JOHN S. HAMMES, X...
MICHELE A. HANCOCK, X...
HOLIDAY HANNA, X...
GEORGE S. HANZEL, X...
ANDREW R. HARBISON, X...
ERNEST D. HARDEN JR., X...
CARY E. HARRISON, X...
DAVID M. HARRISON, X...
ADAM L. HARTMAN, X...
JOHN H. HARTSELL, X...
STEVEN S. HARTZELL, X...
WILLIAM E. HATLEY, X...
PATRICK L. HAWKINS, X...
JOHN F. HAWLEY, X...
LUCINDA L. HAYDEN, X...
STELLA M. HAYES, X...
JOHN S. HEATH, X...
SANDRA K. HEAVEN, X...
RANDOLPH H. HELMHOLZ, X...
EDWARD D. HENDERSON, X...
IAN P. HENDRICKS, X...
ANITA M. HENRY, X...
SEAN P. HENSELER, X...
MICHAEL A. HENSIEN, X...
THOMAS C. HEROLD, X...
WILLARD G. HESSION, X...
CHRISTINA P. HITCHOCK, X...
MARK S. HOCHBERG, X...
JEFFREY D. HODGDEN, X...
SCOTT J. HOFFMAN, X...
ELIZABETH M. HOFMEISTER, X...
ERIC P. HOFMEISTER, X...
MICHAEL S. HOGG, X...
NICHOLAS M. HOLMES, X...
PATRICIA S. HOPKINS, X...
TIM B. HOPKINS, X...
BRIAN R. HOSKINS, X...
JAMES B. HOUGH, X...
ROBERT S. HOUSE, X...
BRYAN M. HUBER, X...
LAURETTA F. HUFF, X...
KATRINA L. HUIZING, X...
DAVID E. HUNTER, X...
JAY P. HUNTINGTON, X...
LEWIS S. HURST, X...
AUGUST G. HURSTON, X...
GAIL HUTTO, X...
MATTHEW R. HYDE, X...
SANJAI R. ISAAC, X...
DARRYL K. ITOW, X...
TANJELA M. JACKSON, X...
LIONEL N. JACOB, X...
PAUL B. JACOB, X...
KARL M. JACOBS, X...
ROBYN W. JACOBS, X...
DAVID L. JACOBSON, X...
MICHAEL J. JAEGER, X...
JENNIFER M. JAGOE, X...
LORRAINE N. JARVIS, X...
SPENCER J. JENKINS, X...
DAVID M. JOHNSON, X...
SCOTT L. JOHNSTON, X...
KELLY N. JOLET, X...
MARVIN L. JONES, X...
STEPHANIE M. JONES, X...
MONICA K. JORDAN, X...
ANTONY R. JOSEPH, X...
RONALD A. JURAS, X...
HOPE KATCHARIAN, X...
RONALD KAWCZYNSKI, X...
TRACY A. KEENAN, X...
MICHAEL R. KELLER, X...
JULIE A. KELLOGG, X...
JAY E. KENT, X...
STEVEN A. KEWISH, X...
KATHLEEN S. KIEFER, X...
JEAN M. KILKER, X...
DAVID C. KILLINGSWORTH, X...
RENEE L. KILMER, X...
BRIAN S. KING, X...
HILLARY KING, JR., X...
KELLY KING, X...
REBECCA S. KING, X...
TERRI A. KINSEY, X...
GREGORY R. KLEIN, X...
CHRISTOPHER J. KLINE, X...
CHRISTOPHER J. KLUGEWICZ, X...
ALISON K. KNIGHT, X...
KATHLEEN A. KNIGHT, X...
VIRGINIA L. KNIGHT, X...
BARBARA KNOLLMANNRITSCHEL, X...
TAK M. KO, X...
DANIEL G. KOCH, X...
TIMOTHY J. KOESTER, X...
VINCENT KOLETAR, X...
MICHAEL P. KOLSTER, X...
SCOTT KOOISTRA, X...
THOMAS C. KRAUSZ, X...
HUNG C. KWOK, X...
KATHY L. KYSER, X...
TRI H. LAC, X...
CHRISTOPHER J. LACARIA, X...
THOMAS J. LACOSS, X...
ANN F. LAMB, X...
DAVID A. LAMOT, X...
LOURAE LANGEVIN, X...
CHRISTOPHER S. LAPLATNEY, X...
JOHN P. LAPURGA, X...
BYRON P. LAWHON, X...
KHANG T. LE, X...
THOMAS K. LEAK, X...
RONALD G. LEAVER, X...
BILLY R. LEDBETTER, JR., X...
BENJAMIN K. LEE, X...
GUY M. LEE, X...
HENRY C. LEE, X...
KENT A. LEE, X...
NAM P. LEE, X...
SCOTT A. LEMEK, X...
WALTER M. LENOIR III, X...
RUTH A. LEONHARDT, X...
JOSEPH F. LEPAGE, X...
GREGORY S. LEPKOWSKI, X...
LARRY B. LESLIE, X...
JAMES A. LETEXIER, X...
CALVIN T. LEUSCHEN, X...
JUNIUS M. LEWIS, X...
MARY E. LIN, X...
SAMUEL C. LIN, X...
MARIA R. LINDERMAN, X...
ROBERT J. LIPSITZ, X...
DONALD G. LITTLE, X...
CHRISTINE W. LONIE, X...
LARRY L. LOOMIS, X...
MARK W. LOPEZ, X...
KAREN L. LOTTRIDGE, X...
JOELL A. LOWTHER, X...
GLEN LUEHRMAN, X...
JOSEPH H. LUTHER, X...
HEIDI LYSZCZARZ, X...
JOHN L. LYSZCZARZ, X...
WILLIAM P. MACCHI, X...
CATHERINE M. MACDONALD, X...
LAURIE S. MACGILLIVRAY, X...
ELIZABETH S. MACHIELE, X...
IAN A. MACKENZIE, X...
DANIELLE R. MADRIL, X...
JOSEPH F. MAHAN, X...
DANIEL F. MAHER, X...
MARIA K. MAJAR, X...
REBECCA A. MALARA, X...
ELIZABETH A. MALEY, X...
CYNTHIA J. MANNING, X...
CHRISTINA M. MANNIX, X...
SCOTT D. MARDER, X...
RAYMOND J. MARDINI, X...
ADR MARENGOROWE, X...
KAREN J. MARIENAU, X...
DON A. MARTIN, X...
MATTHEW K. MARTIN, X...
BRIAN E. MARTINEZ, X...
RICHARD G. MASANNAT, X...
PHILBROOK S. MASON, JR, X...
JEANETTE H. MATTHEWS, 6207
SCOTT T. MAURER, X...
ANTHONY J. MAZZEO, X...
PAUL D. MCADAMS, X...
MARY G. MCALEVY, X...
RYAN MCCAFFERTY, X...
ALAN B. MCCAIN, X...
DAVID C. MCCARTHY, X...
KEVIN F. MCCARTHY, X...
SCOTT A. MCCLELLAN, X...
MICHAEL S. MCCLINCY, X...
JOSEPH J. I. MCCONNELL, X...
CHERYL L. MCDONALD, X...
JAMES R. MCFARLANE, X...
MARY A. MCGARET, X...
MICHAEL B. MCGINNIS, X...
LISA M. MCGOWAN, X...
STEVEN J. MCGREY, X...
PATRICIA L. MCKAY, X...
THOMAS A. MCKEE, X...
DOUGLAS J. MCLAUGHLIN, X...
MARKO MEDVED, X...
SEAN C. MEEHAN, X...
DAVID S. MEHR, X...
MARY E. MEIERHENRY, X...
CHARLES E. MENDOZA, X...
ROLAND C. MERCHANT, X...
MELANIE J. MERRICK, X...
MARY F. MESSERLIE, X...
MICAH L. MEYERS, X...
DONNA M. MICHEL, X...
ANDREA C. MIKOLAJCZYK, X...
MICHAEL A. MIKSTAY, X...
BRENT S. MILLER, X...
DEBRA Q. MILLS, X...
MIGUEL D. MIRANO, II, X...
PAUL J. MOLLERE, X...
TERRY R. MOLYNEUX, X...
MELANIE L. MONTGOMERY, X...
ERIN M. MOORE, X...
LISA A. MORAN, X...
ROBERT P. MOREAN, X...
THOMAS G. MORRIS, X...
ROBERT N. MORRISON, X...
MICHAEL G. MORROW, X...
SHARON L. MOSER, X...
LISA P. MULLIGAN, X...
BRIAN E. MURPHY, X...
DAVID P. MURPHY, X...
DAVID F. MURRAY, X...
JOY L. MURRAY, X...
DIPAK D. NADKARNI, X...
LORRAINE S. NADKARNI, X...
MANUEL E. NAGUIT, X...
ISRAEL NARVAEZ, X...
DAVID K. NAUGLE, X...
ANDREW D. NELKO, X...
MARK W. NESBIT, X...
KRISTIAAN L. NEVIN, X...
KIMBERLY J. NEWELL, X...
ROBERT E. NEWELL, X...
LARRY L. NEWTON, X...
VAN T. NGUYEN, X...
JANET M. NICOLAS, X...
JOSEPH D. NOBLE, JR., X...
ALEXANDER NORTON, JR., X...
EDWARD C. NORTON, JR., X...
STEVEN J. NOVEK, X...
DAVID C. NYSTROM, X...
SHARON B. OBY, X...
STEVEN E. OCHS, X...
PHILIP M. O'CONNELL, X...
KENNETH T. OGAWA, X...
JOAN R. OLDMIXON, X...
DONALD L. ONG, X...
ANTHONY J. OPILKA, X...
CRAIG H. OZAKI, X...
SCOTT T. OZAKI, X...
WILLIAM S. PADGETT, X...
VICTOR T. Y. PAK, X...
DAVID PALMER, X...
VIVIANNA F. PALOMO, X...
ERNEST E. PARRISH, JR., X...
LISA R. T. PAVLOVIC, X...
THOMAS G. PAVLOVIC, X...
GEORGE A. PAZOS, X...
YUCHI PENG, X...
MICHAEL G. PENNY, X...
NORA M. PEREZ, X...
EDWARD J. PERKINS, JR., X...
CRAIG A. PETERSON, X...
DAVID B. PETERSON, X...
TONY L. PETERSON, X...
MELANIE PHILLIPS, X...
MICHAEL J. PHIPPS, X...
FORTUNATO PICON, X...
LEE A. PIETRANGELO, X...
WENDY H. PINKHAM, X...
PAMELA J. PORTER, X...
THEODORE T. POSUNIAK, X...
ANTHONY V. POTTS, X...
CHARLES A. PRATT, X...
RODNEY C. PRAY, X...
ZITO D. L. PRINCE, X...
MICHAEL G. PRINGLE, X...
KAREN S. PRUETT, X...
MARTIN W. PRUSS, X...
JAMES G. PURGASON, X...
DAREN L. PURNELL, X...
JILL E. K. QUEENER, X...
JOHN A. RALPH, X...
KATHLEEN A. RAMSEY, X...
TRENT D. RASMUSSEN, X...
DANIEL P. RATKUS, X...
LAURENCE J. READAL, X...
JON L. REAGAN, JR., X...
KAREN M. REICHOW, X...
SHERIDAN A. RENOUF, X...
STANLEY D. RHOADES, X...
ROY R. RICE, X...
STEPHEN T. RICHARDSON, X...
BRYAN F. RILEY, X...
MATTHEW C. RINGS, X...
SUSAN B. ROBERTS, X...
DAVID J. ROBILLARD, X...
THOMAS D. ROBINSON, X...
TODD V. ROBINSON, X...
WALTER W. ROBOHN, X...
ANDREW F. ROCCA, X...
DANIEL R. RODGERS, X...
ANTHONIO RODRIGUEZ, X...
MILDRED RODRIGUEZ, X...
DEBORAH E. ROE, X...
LEON RONEN, X...
JUAN A. ROSARIOCOLLAZO, X...
ROBERT E. ROSENBAUM, X...
SYNTHIA J. ROSS, X...
LAURA L. RUBISON, X...
JOSEPH D. RUGGIERO, X...
MICHAEL W. RUTTEN, X...
KIMBERLY S. RYAN, X...
REBECCA E. SANDS, X...
SHERRI L. SANTOS, X...
SONIA Q. SCHEERER, X...
THOMAS P. SCHEUERMANN, X...
MARK M. SCHEURER, X...
LYNNE T. SCHIERA, X...
JOHN T. SCHINDLER, X...
RICHARD J. SCHLEGEL, X...
CHRISTOPHER E. SCHMIDT, X...
WILLIAM R. SCHOEN, X...
ASHLEY A. SCHROEDER, X...
DAVID M. SCHULTZ, X...
ROBERT W. SCHUYLER, X...
ERIC L. SCHWARTZMAN, X...
MICHAEL R. SCHWARZE, X...
RICHARD E. SCRANTON, X...
STEPHEN T. SEARS, X...
PAUL D. SEEMAN, X...
GEORGE J. SEMPLE, X...
MARCOS A. SEVILLA, X...
DAN G. SEWELL, X...
EDWARD G. SEWESTER, X...
MELVIN A. SHAFER, X...
GARY E. SHARP, X...
LOUISE F. SHEFFIELD, X...
KIMBERLY W. SHIPLEY, X...
WILLIAM G. SHOEMAKER, X...
DAVID P. SHUEMAKER, X...
SOHAIL A. SIDDIQUE, X...
DAVID J. SIENICKI, X...
TODD E. SIMO, X...
AMANDA J. SIMSIMAN, X...
KENNETH G. SINGLETON, X...
WESLEY B. SLOAT, X...
BRENDA D. SMITH, X...
CHARLES M. SMITH, X...
GEORGE H. SMITH, X...
GILBERT L. SMITH, X...
LOREN J. SMITH, X...
STEVEN L. SMITH, X...
DENNIS G. SMYTHE, X...
CHRISTINE S. SNELL, X...
IFEOLUMIPO O. SOFOLA, X...
ANTHONY A. SORELL, X...
LAVENCION V. STARKS, X...
MARK W. STARR, X...
STEPHANIE R. STARR, X...
LESLIE S. STEELE, X...
MARK J. STEVENSON, X...
JOEL D. STEWART, X...
NORMAN D. STIEGLER, JR., X...
VAUGHN L. STOCKER, X...
ERIN E. STONE, X...
JAMES A. STOREY, X...
ERIC J. STRAKA, X...
ADAM P. STRIMER, X...

JEFFREY G. STRUEBING, [redacted]
SUSAN M. STUART, [redacted]
MATTHEW E. SUESS, [redacted]
JAMES J. SULLIVAN, [redacted]
VERONICA M. SULLIVAN, [redacted]
THOMAS J. SUMMERS, [redacted]
ROGER L. SUR, [redacted]
JOHN A. SWANSON, [redacted]
ANNE M. SWAP, [redacted]
KEITH E. SYKES, [redacted]
MARSHALL T. SYKES, [redacted]
KATHRYN TARMAN, [redacted]
JAMES K. TARVER, [redacted]
VICTOR S. TAYLOR, [redacted]
TIMOTHY J. THATE, [redacted]
DANIEL J. THERRIEN, [redacted]
HARRY T. THETFORD, JR., [redacted]
MICHAEL A. THIEBLEMONT, [redacted]
GREGORY E. THOMAS, [redacted]
MICHAEL E. THOMAS, [redacted]
TIMOTHY B. TINKER, [redacted]
JAMES E. TOLEDANO, [redacted]
RAMONA L. TOLEDANO, [redacted]
ROBERT B. TOMIAK, [redacted]
KEVIN J. TOOL, [redacted]
PETER J. TOROK, [redacted]
KEVIN R. TORSKE, [redacted]
HEIDI E. TOWNSEND, [redacted]
JIM T. TRAN, [redacted]
KATHY TRAPPJACKSON, [redacted]
TIMOTHY J. TUNNECLIFFE, [redacted]
DAVID T. TURBYFILL, [redacted]
ROBERT W. TYE, [redacted]
GARY N. UNDERWOOD, [redacted]
STEVEN P. UNGER, [redacted]
RICHARD F. URBANCZYK, [redacted]
TARA L. VANBENNEKOM, [redacted]
DAVID VANDERSTRATEN, [redacted]
ROBIN H. VANDIVIER, [redacted]
MARK J. VANDUSEN, [redacted]
KEVIN E. VANNOTRIC, [redacted]
SCOTT E. VANVALIN, [redacted]
MICHAEL P. VENABLE, [redacted]
JOSEPH M. VITELLI, [redacted]
MARY E. WALDMAN, [redacted]
GRANT C. WALLACE, [redacted]
JODIE K. WARD, [redacted]
MICHIAL S. WARRINGTON, [redacted]
EDWARD T. WATERS, [redacted]
BENJAMIN M. WEBB, [redacted]
TERRY D. WEBB, [redacted]
ALLAN A. WEBER, [redacted]
PERRY J. WEIN, [redacted]
CHRISTOPHER WESTBROOK, [redacted]
ALAN C. WESTEREN, [redacted]
JAMES A. WESTRA, [redacted]
RICHARD L. WHIPPLE, [redacted]
DALE C. WHITE, [redacted]
WILLIAM J. WHITE, [redacted]
GARY L. WICK, [redacted]
WILLIAM M. WIKE, [redacted]
GREGORY D. WILLIAMS, [redacted]
JOHN C. WILLIAMS, [redacted]
BARRY E. WILLIAMSON, [redacted]
MOISE WILLIS, [redacted]
DAVID G. WILSON, [redacted]
DAVID N. WILSON, [redacted]
DIANE M. WILSON, [redacted]
PATRICIA A. WIRTH, [redacted]
JAMIE H. WISE, [redacted]
PAUL W. WITT, [redacted]
AMIR H. WOLFE, [redacted]
GREGG L. WOOD, [redacted]
ANTHONY M. WOOLF, [redacted]
RODNEY O. WORDEN, [redacted]
GREGORY A. WRIGHT, [redacted]
SHARON M. WRIGHT, [redacted]
EDWIN P. YAEGER, [redacted]
CORRYNNE T. YAMANAKA, [redacted]
MICHAEL J. YARBOROUGH, [redacted]
CARRIE D. YIM, [redacted]
MARY A. YONK, [redacted]
JAMES C. YOUNG, [redacted]
TIMOTHY ZALUDEK, [redacted]
CRAIG M. ZELIG, [redacted]
JOSEPH J. ZELINSKY, JR., [redacted]
JULIE H. ZIMMERMAN, [redacted]
MICHAEL J. ZUCCHERO, [redacted]

HOUSE OF REPRESENTATIVES—*Monday, September 14, 1998*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. JONES).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, D.C.,
September 14, 1998.

I hereby designate the Honorable WALTER B. JONES to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. GANSKE) for 5 minutes.

CALLING FOR PRESIDENT CLINTON TO RESIGN

Mr. GANSKE. Mr. Speaker, I spent the weekend reading the Starr report and the White House rebuttal. The President's DNA on Monica Lewinsky's dress is clear proof that the President had sex with a White House intern. This means that the President lied when he wagged his finger and looked us in the eye and said, "I'm going to say this again: I did not have sexual relations with that woman, Miss Lewinsky."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman from Iowa (Mr. GANSKE) is reminded not to make those references. This is under the Speaker's announced guidelines interpreting the rule of the House.

PARLIAMENTARY INQUIRY

Mr. GANSKE. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GANSKE. Mr. Speaker, all across the country the Starr report is being read in every newspaper by citizens. This is the floor of the House of the people. I am not saying anything that has not been reported in the Starr report and verified by scientific, factual detail. Is the Chair ruling that Members cannot speak about the Starr report in this well?

The SPEAKER pro tempore. That is correct. As the Chair reiterated, with the concurrence of the minority leader, on September 10, 1998, Members engaging in debate must abstain from language that is personally offensive toward the President, including references to various types of unethical behavior, and this restriction extends to quoting from or inserting in the RECORD extraneous material that is personally abusive of the President and would be improper if spoken as the Member's own words.

It is only during the pendency of proceedings actually relating to 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 underway in committee, the committee is the proper forum for examination and debate of such allegations. Indeed, after a question actually relating to impeachment has been considered on the floor, the House returns to the conduct of its other business, and references to personal conduct on the part of the President may not be continued or repeated.

Mr. GANSKE. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. GANSKE. Mr. Speaker, the other body, the Senate, has had already extensive comments and debates on their floor. Is the Chair telling me that Members of the House will not be able to refer to the Starr report until the Committee on the Judiciary handles this?

The SPEAKER pro tempore. The other body is governed by different rules, and the gentleman is correct where the matter is not the pending impeachment business on the floor.

Mr. GANSKE. Mr. Speaker, let me try to revise my remarks, and I will proceed.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GANSKE. Mr. Speaker, I guess the Speaker can tell me if I am out of order again.

For a President to be effective, he must be trusted to tell the truth. I believe that the President should now do the honorable thing and resign.

RECESS

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

Accordingly (at 10 o'clock and 35 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 12 noon.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We read in the Psalm that You, O God, are our good shepherd and we shall not want.

As the shepherd protects the sheep from any harm, so we pray, O God, that You will keep your people from any harm or hurt; as the shepherd nourishes the sheep in green pastures, so may we be nourished by Your forgiving word; as the shepherd walks through any difficulty or danger, so may You walk with us and with our companion along life's way; as the shepherd's great joy is goodness and mercy, so may Your compassion never depart from us. For all these gifts, O loving God, we offer these words of thanksgiving and praise. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. GIBBONS 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.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed

with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1956. An act to amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each United States Fish and Wildlife Service region, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items.

PUT MILITARY BACK ON FIRM FOOTING TO MEET CHALLENGES OF 21ST CENTURY

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

Mr. GIBBONS. Mr. Speaker, no doubt about it, we are living in a more dangerous world today than ever before. Weapons of mass destruction are possessed and are increasingly available around the world and the violence of terrorism is about to take a step toward us on every day that we possess.

A world class military is composed of world class leaders, world class soldiers, sailors, airmen and marines. Why then, Mr. Speaker, are the United States pilots saying no to military careers and why are our sailors choosing to get out of the Navy rather than face long months at sea? It is because our military families are being asked to live in substandard housing and to endure long family separations.

Even the chairman of the Joint Chiefs has argued that operational readiness, quality of life, and modernization cannot be sustained at current budget levels.

A recent internal Army memorandum made it clear that maintaining go-to-war readiness meant sacrificing infrastructure maintenance, as well as repairs and quality-of-life initiatives. The memo's bottom line was clear: Funding has fallen below the survival level.

This administration has mortgaged our military and is about to default on the obligation. Mr. Speaker, we have an obligation to provide for the security of our Nation. I urge my colleagues to join me in placing our military back on firm footing to meet the challenges of the 21st century. Our Nation demands it, our military deserves it.

CONGRESS MUST DEAL WITH CRISES ACROSS THE GLOBE—TIME TO MOVE BEYOND "TOPIC NUMBER ONE"

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

Mr. LANTOS. Mr. Speaker, this weekend, along with millions of other Americans, I was inundated with the media's preoccupation with recent developments involving the White House. Since everything has been said on this subject, my contribution will be not to add to this cacophony.

I am announcing that beginning tonight, with every day we are in legislative session, I will be devoting a segment of time each evening to an important international event or issue which is of relevance to the security and safety of the American people.

The world has not come to a standstill. People across the globe are not as mesmerized by "Topic Number One" as the media seems to be here in the United States. From Southeast Asia to South America, from Bosnia to Brazil, from Russia to Rwanda, crises abound and are mounting. It is critical we deal with them, and I intend to do so.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

HUMAN SERVICES REAUTHORIZATION ACT OF 1998

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2206) to amend the Head Start Act, the Low-Income Home Energy Assistance Act of 1981, and the Community Services Block Grant Act to reauthorize and make improvements to those Acts, to establish demonstration projects that provide an opportunity for persons with limited means to accumulate assets, and for other purposes, as amended.

The Clerk read as follows:

S. 2206

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Human Services Reauthorization Act of 1998".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO THE HEAD START ACT

Sec. 101. Short title.
Sec. 102. Statement of purpose.
Sec. 103. Definitions.
Sec. 104. Financial assistance for Head Start programs.
Sec. 105. Authorization of appropriations.
Sec. 106. Allotment of funds.
Sec. 107. Designation of Head Start agencies.
Sec. 108. Quality standards.
Sec. 109. Powers and functions of Head Start agencies.
Sec. 110. Head Start transition.
Sec. 111. Submission of plans to governors.
Sec. 112. Participation in Head Start programs.
Sec. 113. Early Head Start programs for families with infants and toddlers.
Sec. 114. Technical assistance and training.
Sec. 115. Professional requirements.
Sec. 116. Family literacy services.
Sec. 117. Research and evaluation.
Sec. 118. Reports.
Sec. 119. Repeal of consultation requirement.
Sec. 120. Repeal of Head Start Transition Project Act.
Sec. 121. Effective date; application of amendments.

TITLE II—AMENDMENTS TO THE COMMUNITY SERVICES BLOCK GRANT ACT

Sec. 201. Short title.
Sec. 202. Reauthorization.
Sec. 203. Related amendments.
Sec. 204. Assets for independence.
Sec. 205. Effective date; application of amendments.

TITLE III—AMENDMENTS TO THE LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981

Sec. 301. Short title.
Sec. 302. Authorization.
Sec. 303. Definitions.
Sec. 304. Natural disasters and other emergencies.
Sec. 305. State allotments.
Sec. 306. Administration.
Sec. 307. Payments to States.
Sec. 308. Residential energy assistance challenge option.

TITLE I—AMENDMENTS TO THE HEAD START ACT

SEC. 101. SHORT TITLE.

This title may be cited as the "Head Start Amendments Act of 1998".

SEC. 102. STATEMENT OF PURPOSE.

Section 636 of the Head Start Act (42 U.S.C. 9831) is amended to read as follows:

"SEC. 636. STATEMENT OF PURPOSE.

"It is the purpose of this subchapter to promote school readiness by enhancing the social and cognitive development of low-income children through the provision, to low-income children and their families, of health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary.".

SEC. 103. DEFINITIONS.

Section 637 of the Head Start Act (42 U.S.C. 9832) is amended—

(1) by redesignating paragraphs (3) through (14) as paragraphs (4) through (15), respectively;

(2) in paragraph (2)—

(i) by striking ", and the Commonwealth of the Northern Mariana Islands";

(ii) by inserting "of the United States, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001, also means" after "Virgin Islands"; and

(iii) by inserting "and" after "Marshall Islands";

(3) by inserting after paragraph (2) the following:

"(3) The term 'child with a disability' means—

"(A) a child with a disability, as defined in section 602(3) of the Individuals with Disabilities Education Act; and

"(B) an infant or toddler with a disability, as defined in section 632(5) of such Act.";

(4) by striking paragraph (5) (as redesignated in paragraph (1)) and inserting the following:

"(5) The term 'family literacy services' means services that—

"(A) are provided to participants who receive the services on a voluntary basis;

"(B) are of sufficient intensity, and of sufficient duration, to make sustainable changes in a family (such as eliminating or reducing dependence on income-based public assistance); and

"(C) integrate each of—

"(i) interactive literacy activities between parents and their children;

"(ii) training for parents on being partners with their children in learning;

"(iii) parent literacy training, including training that contributes to economic self-sufficiency; and

"(iv) appropriate instruction for children of parents receiving the parent literacy training.";

(5) in paragraph (7) (as redesignated in paragraph (1)), by adding at the end the following: "Nothing in this paragraph shall be construed to require an agency to provide services to a child who has not reached the age of compulsory school attendance for more than the number of hours per day permitted by State law for the provision of services to such a child.";

(6) by striking paragraph (13) (as redesignated in paragraph (1)) and inserting the following:

"(13) The term 'migrant or seasonal Head Start program' means—

"(A) with respect to services for migrant farmworkers, a Head Start program that serves families who are engaged in agricultural labor and who have changed their residence from 1 geographic location to another in the preceding 2-year period; and

"(B) with respect to services for seasonal farmworkers, a Head Start program that serves families who are engaged primarily in seasonal agricultural labor and who have not changed their residence to another geographic location in the preceding 2-year period."; and

(7) by adding at the end the following:

"(16) The term 'reliable and replicable', used with respect to research, means an objective, valid, scientific study that—

"(A) includes a rigorously defined sample of subjects, that is sufficiently large and representative to support the general conclusions of the study;

"(B) relies on measurements that meet established standards of reliability and validity;

"(C) is subjected to peer review before the results of the study are published; and

"(D) discovers effective strategies for enhancing the development and skills of children.".

SEC. 104. FINANCIAL ASSISTANCE FOR HEAD START PROGRAMS.

Section 638(1) of the Head Start Act (42 U.S.C. 9833(1)) is amended—

(1) by striking "aid the" and inserting "enable the"; and

(2) by striking the semicolon and inserting "and attain school readiness;".

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(1) in subsection (a)—

(A) by inserting "$4,660,000,000 for fiscal year 1999 and" after "subchapter"; and

(B) by striking "1995 through 1998" and inserting "2000 through 2003"; and

(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) for each of the fiscal years 1999 through 2003, not more than $35,000,000 and not less than the aggregate amount made available to carry out section 642(d) of this Act and the Head Start Transition Project Act (42 U.S.C. 9855–9855g) for fiscal year 1998, to carry out activities authorized under section 642A;

"(2) not more than $5,000,000 for each of the fiscal years 1999 through 2003 to carry out impact studies under section 649(g);

"(3) not more than $12,000,000 for fiscal year 1999, and such sums as may be necessary for each of the fiscal years 2000 through 2003, to carry out other research, demonstration, and evaluation activities, including longitudinal studies, under section 649; and

"(4) not less than $5,000,000 for each of the fiscal years 1999 through 2003, to carry out activities authorized under section 648B.".

SEC. 106. ALLOTMENT OF FUNDS.

(a) ALLOTMENTS.—Section 640(a) of the Head Start Act (42 U.S.C. 9835(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking "and migrant" the 1st place it appears and all that follows through "handicapped children", and inserting "Head Start programs and services for children with disabilities and migrant or seasonal Head Start programs"; and

(ii) by striking "and migrant" each other place it appears and inserting "Head Start programs and by migrant or seasonal"; and

(iii) by striking "1994" and inserting "1998";

(B) in subparagraph (B) by striking "(B) payments" and all that follows through "Virgin Islands" and inserting the following:

"(B) payments, subject to paragraph (7)—

"(i) to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands of the United States; and

"(ii) for fiscal years ending before October 1, 2001, to the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau;";

(C) in subparagraph (C), by striking "and" at the end;

(D) in subparagraph (D), by striking "related to the development and implementation of quality improvement plans under section 641A(d)(2))." and inserting "carried out under paragraph (1), (2), or (3) of section 641A(d) relating to correcting deficiencies and conducting proceedings to terminate the designation of Head Start agencies); and";

(E) by inserting after subparagraph (D) the following:

"(E) payments for research and evaluation activities under section 649."; and

(F) by adding at the end the following: "In carrying out this subchapter, the Secretary shall continue the administrative arrangement responsible for meeting the needs of children of migrant and seasonal farmworkers and Indian children, and shall ensure that appropriate funding is provided to meet such needs.";

(2) in paragraph (3)—

(A) in subparagraph (A)(i) by striking "equal" and all that follows through "activities" and inserting "subject to subsection (m)";

(B) in subparagraph (B)—

(i) in clause (ii)—

(I) by striking "adequate qualified staff" and inserting "adequate numbers of qualified staff"; and

(II) by inserting "and children with disabilities" before ", when";

(ii) in clause (iv) by inserting "and to encourage the staff to continually improve their skills and expertise by informing staff of the availability of State and Federal loan forgiveness programs for professional development" before the period at the end;

(iii) in clause (v) by inserting "and collaboration efforts for such programs" before the period at the end; and

(iv) by amending clause (vi) to read as follows:

"(vi) Ensuring that such programs have adequate numbers of qualified staff that can promote language skills and literacy growth of children and that provide children with a variety of skills that have been identified, through research that is reliable and replicable, as predictive of later reading achievement."; and

(C) in subparagraph (C)—

(i) in clause (i)(I)—

(I) by striking "of staff" and inserting "of classroom teachers and other staff"; and

(II) by striking "such staff" and inserting "qualified staff, including recruitment and retention pursuant to achieving the requirements set forth in section 648A(a)";

(ii) by redesignating subclause (II) as subclause (III);

(iii) by inserting after subclause (I) the following:

"(II) Preferences in awarding salary increases, in excess of cost of living allowances, shall be granted to classroom teachers and staff who obtain additional training or education related to their responsibilities as employees of a Head Start program.";

(iv) by amending clause (ii) to read as follows:

"(ii) Of the amount remaining after carrying out clause (i), the highest priority shall be placed on training classroom teachers and other staff to meet the education performance standards described in section 641A(a)(1)(B), through activities—

"(I) to promote children's language and literacy growth, through techniques identified through reliable, replicable research;

"(II) to promote the acquisition of the English language for non-English background children and families;

"(III) to foster children's school readiness skills through activities described in section 648A(a)(1); and

"(IV) to provide training necessary to improve the qualifications of the staff of the Head Start agencies and to support staff training, child counseling, and other services necessary to address the problems of children participating in Head Start programs, including children from dysfunctional families, children who experience chronic violence in their communities, and children who experience substance abuse in their families.";

(v) by striking clause (v);

(vi) by redesignating clause (vi) as clause (v); and

(vii) by inserting after clause (v), as so redesignated, the following:

"(vi) To carry out any or all of such activities, but none of such funds may be used for construction or renovation (including nonstructural or minor structural changes).";

(D) in subparagraph (D)(i)(II) by striking "and migrant" and inserting "Head Start programs and by migrant or seasonal";

(3) in paragraph (4)—

(A) in subparagraph (A), by striking "1981" and inserting "1998";

(B) by amending subparagraph (B) to read as follows:

"(B) any amount available after all allotments are made under subparagraph (A) for such fiscal year shall be distributed proportionately on the basis of the number of children less than 5 years of age who live with families whose income is below the poverty line."; and

(C) by adding at the end the following:

"For each fiscal year the Secretary shall use the most recent data available on the number of children under the age of 5, from families below the poverty level that is consistent with that published for counties, by the Department of Commerce, unless the Secretary and the Secretary of Commerce determine that use of the updated poverty data would be inappropriate or unreliable. If the Secretary and the Secretary of Commerce determine that some or all of the data referred to in this paragraph are inappropriate or unreliable, they shall issue a report setting forth their reasons in detail.";

(4) in paragraph (5)—

(A) in subparagraph (B), by inserting before the period the following "and encourage Head Start agencies to actively collaborate with entities involved in State and local planning processes in order to better meet the needs of low-income children and families";

(B) in subparagraph (C)—

(i) in clause (i)(I), by inserting "the appropriate regional office of the Administration for Children and Families and" before "agencies";

(ii) in clause (iii), by striking "and" at the end;

(iii) in clause (iv)—

(I) by striking "education, and national service activities," and inserting "and education and community service activities,";

(II) by striking "and activities" and inserting "activities"; and

(III) by striking the period and inserting "(including coordination with those State officials who are responsible for administering part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C. 1431–1445, 1419)), and services for homeless children;"; and

(iv) by adding at the end the following:

"(v) include representatives of the State Head Start Association and local Head Start agencies in unified planning regarding early care and education services at both the State and local levels, including collaborative efforts to plan for the provision of full-working-day, full-calendar-year early care and education services for children;

"(vi) encourage local Head Start agencies to appoint a State level representative to speak on behalf of Head Start agencies within the State on collaborative efforts described in subparagraphs (B) and (D), and in clause (v); and

"(vii) encourage Head Start agencies to collaborate with entities involved in State and local planning processes (including the State lead agency administering the financial assistance received under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) and the entities providing resource and referral services in the State) in order to better meet the needs of low-income children and families.";

(C) by redesignating subparagraph (D) as subparagraph (F); and

(D) by inserting after subparagraph (C) the following:

"(D) Following the award of collaboration grants described in subparagraph (B), the Secretary shall provide, from the reserved sums, supplemental funding for collaboration grants—

"(i) to States that develop statewide, regional, or local unified plans for early childhood education and child care that include the participation of Head Start agencies; and

"(ii) to States that engage in other innovative collaborative initiatives, including plans for collaborative training and professional development initiatives for child care, early childhood education and Head Start service managers, providers, and staff.

"(E)(i) The Secretary shall—

"(I) review on an ongoing basis evidence of barriers to effective collaboration between Head Start programs and other Federal child care and early childhood education programs and resources;

"(II) develop initiatives, including providing additional training and technical assistance and making regulatory changes, in necessary cases, to eliminate barriers to the collaboration; and

"(III) develop a mechanism to resolve administrative and programmatic conflicts between such programs that would be a barrier to service providers, parents, or children, related to the provision of unified services in the consolidation of funding for child care services

"(ii) In the case of a collaborative activity funded under this subchapter and another provision of law providing for Federal child care or early childhood education, the use of equipment and nonconsumable supplies purchased with funds made available under this subchapter or such provision shall not be restricted to children enrolled or otherwise participating in the program carried out under that subchapter or provision, during a period in which the activity is predominantly funded under this subchapter or such provision.";

(5) by amending paragraph (6) to read as follows:

"(6)(A) From the amounts reserved and allotted pursuant to paragraphs (2) and (4), and except as provided in subparagraph (C)(i), the Secretary shall use for grants for programs described in section 645A(a) a portion of the combined total of such amount equal to—

"(i) 7.5 percent for fiscal year 1999;

"(ii) 8 percent for fiscal year 2000;

"(iii) 8.5 percent for fiscal year 2001;

"(iv) not less than 8.5 and not more than 10 percent for fiscal year 2002; and

"(v) not less than 8.5 and not more than 10 percent for fiscal year 2003;

of the amount appropriated pursuant to section 639(a) for the respective fiscal year.

"(B) If the Secretary does not submit to—

"(i) the Committee on Education and the Workforce and the Committee on Appropriations of the House of Representatives; and

"(ii) to the Committee on Labor and Human Resources and the Committee on Appropriations of the Senate;

by January 1, 2001, a report on the results of the Early Head Start impact study currently being conducted by the Secretary, then the amount required to be used in accordance with subparagraph (A) for fiscal years 2002 and 2003 shall be 8.5 percent of the amount appropriated pursuant to section 639(a) for the respective fiscal year.

"(C)(i) For any fiscal year for which the Secretary determines that the amount appropriated under section 639(a) is not sufficient to permit the Secretary to use the portion described in subparagraph (A) without reducing the number of children served by Head Start programs or negatively impacting the quality of Head Start services, relative to the number of children served and the quality of the services during the preceding fiscal year, the Secretary may reduce the percentage of funds required to be used as the portion described in subparagraph (A) for the fiscal year for which the determination is made, but not below the percentage required to be so used for the preceding fiscal year.

"(ii) For any fiscal year for which the amount appropriated under section 639(a) requires a reduction in the amount made available under this subchapter to Head Start agencies and entities described in section 645A, relative to the amount made available to the agencies and entities for the preceding fiscal year, adjusted as described in paragraph (3)(A)(ii), the Secretary shall proportionately reduce—

"(I) the amounts made available to the entities for programs carried out under section 645A; and

"(II) the amounts made available to Head Start agencies for Head Start programs."; and

(6) by redesignating paragraph (7) as paragraph (8); and

(7) by inserting after paragraph (6) the following:

"(7)(A) For purposes of paragraph (2)(A), in determining the need and demand for migrant or seasonal Head Start programs (and services provided through such programs), the Secretary shall consult with appropriate entities, including providers of services for migrant or seasonal Head Start programs. The Secretary shall, after taking into consideration the need and demand for migrant or seasonal Head Start programs (and such services), ensure that there is an adequate level of such services for eligible children of migrant farmworkers before approving an increase in the allocation provided for unserved eligible children of seasonal farmworkers. In serving the children of seasonal farmworkers, the Secretary shall ensure that services provided by migrant or seasonal Head Start programs do not duplicate or overlap with other Head Start services available in the same geographical area.

"(B)(i) Funds available under this subsection for payments to the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall be used by the Secretary to make grants on a competitive basis, pursuant to recommendations submitted to the Secretary by the Pacific Region Educational Laboratory of the Department of Education, to the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of carrying out Head Start programs in accordance with this subchapter.

"(ii) Not more than 5 percent of such funds may be used by the Secretary to compensate the Pacific Region Educational Laboratory of the Department of Education for administrative costs incurred in connection with making recommendations under clause (i).

"(iii) Notwithstanding any other provision of law, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall not receive any funds under this subchapter for any fiscal year that begins after September 30, 2001.".

(b) CHILDREN WITH DISABILITIES.—Section 640(d) of the Head Start Act (42 U.S.C. 9835(d)) is amended—

(1) by striking "1982" and inserting "1999";

(2) by striking "(as defined in section 602(a) of the Individuals with Disabilities Education Act)"; and

(3) by adding at the end the following:

"Such policies and procedures shall require Head Start programs to coordinate programmatic efforts with efforts to implement part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C 1431–1445, 1419).".

(c) INCREASED APPROPRIATIONS.—Section 640(g) of the Head Start Act (42 U.S.C. 9835(g)) is amended—

(1) in paragraph (1), by inserting at the end the following: "In awarding funds to serve an increased number of children, the Secretary shall give priority to those applicants that provide full-working-day, full-calendar year Head Start services through collaboration with entities carrying out programs that are in existence on the date of the allocation and with other private, nonprofit agencies. Any such additional funds remaining may be used to make nonstructural and minor structural changes, and to acquire and install equipment, for the purpose of improving facilities necessary to expand the availability of Head Start programs and to serve an increased number of children.";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking the semicolon and inserting ", and the performance history of the applicant in providing services under other Federal programs (other than the program carried out under this subchapter);";

(B) in subparagraph (C), by striking the semicolon and inserting ", and organizations and public entities serving children with disabilities;";

(C) in subparagraph (D), by striking the semicolon and inserting "and the extent to which, and manner in which, the applicant demonstrates the ability to collaborate and participate with other local community providers of child care or preschool services to provide full-working-day full-calendar-year services;";

(D) in subparagraph (E), by striking "program; and" and inserting "or any other early childhood program;";

(E) in subparagraph (F), by striking the period and inserting a semicolon; and

(F) by adding at the end the following:

"(G) the extent to which the applicant proposes to foster partnerships with other service providers in a manner that will enhance the resource capacity of the applicant; and

"(H) the extent to which the applicant, in providing services, will plan to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, regarding the education services provided by such local educational agency.";

(3) in paragraph (3) by striking "In" and inserting "Subject to subsection (m), in"; and

(4) by adding at the end the following:

"(4) Notwithstanding subsection (a)(2), after taking into account subsection (a)(1), the Secretary may allocate a portion of the remaining additional funds under subsection (a)(2)(A) for the purpose of increasing funds available for activities described in such subsection.".

(d) REFERENCES.—Section 640(*l*) of the Head Start Act (42 U.S.C. 9835(*l*)) is amended by inserting "or seasonal" after "migrant" each place it appears.

(e) RELATIVE AVAILABILITY OF FUNDS FOR QUALITY AND FOR EXPANSION.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended by adding at the end the following:

"(m)(1) After complying with the requirement in subsection (g)(1) relating to maintaining the level of services provided during the previous year, the Secretary shall make the amount (if any) by which the funds appropriated under section 639(a) for a fiscal year exceed the adjusted prior year appropriation (as defined in subsection (a)(3)(ii)), available as follows:

"For Fiscal Year:	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available for Quality Activities Under Subsection (a)(3)(C):	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available for Expansion Activities Under Subsection (g):	Percent of Amount Exceeding Adjusted Prior Year Appropriation To Be Available to Qualifying Head Start Programs for Quality and Expansion Activities Under Subsections (a)(3)(C) and (g):
1999	65	25	10
2000	65	25	10
2001	45	45	10
2002	45	45	10
2003	25	65	10.

"(2) For purposes of paragraph (1), the term 'qualifying Head Start program' means a Head Start agency or Head Start program that is—

"(A) in compliance with the quality standards and result-based performance measures applicable under subsections (a) and (b) of section 641A;

"(B) not required under subsection (d) of such section to take a corrective action; and

"(C) making progress toward complying with requirements applicable under section 648A(a)(2).

"(3) Funds required to be made available under this subsection to qualifying Head Start programs shall be made available on the same basis as allotments are determined under subsection (a)(4).".

(f) CONFORMING AMENDMENT.—Section 644(f)(2) of the Head Start Act (42 U.S.C. 9839(f)(2)) is amended by striking "640(a)(3)(C)(v)" and inserting "640(g)".

SEC. 107. DESIGNATION OF HEAD START AGENCIES.

Section 641 of the Head Start Act (42 U.S.C. 9836) is amended—

(1) in subsection (a) by inserting "(in consultation with the chief executive officer of the State involved, if such State expends non-Federal funds to carry out Head Start programs)" after "Secretary" the last place it appears;

(2) in subsection (b) by striking "area designated by the Bureau of Indian Affairs as near-reservation" and inserting "off-reservation area designated by an appropriate tribal government";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting ", in consultation with the chief executive officer of the State if such State expends non-Federal funds to carry out Head Start programs," after "shall"; and

(ii) by striking "makes a finding" and all that follows through the period at the end, and inserting the following:

"determines that the agency involved fails to meet program and financial management requirements, performance standards described in section 641A(a)(1), results-based performance measures described in section 641A(b), and other requirements established by the Secretary.";

(B) in paragraph (2), by inserting ", in consultation with the chief executive officer of the State if such State expends non-Federal funds to carry out Head Start programs," after "shall"; and

(C) by aligning the left margin of paragraphs (2) and (3) with the left margin of paragraph (1); and

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by inserting after the 1st sentence the following:

"In selecting from among qualified applicants for designation as a Head Start agency, the Secretary shall give priority to any qualified agency that functioned as a Head Start delegate agency in the community and carried out a Head Start program that the Secretary determines met or exceeded such performance standards and such results-based performance measures.";

(B) in paragraph (3) by inserting "and programs under part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C 1431–1445, 1419)" after "(20 U.S.C. 2741 et seq.)";

(C) in paragraph (4)—

(i) in subparagraph (A), by inserting "(at home and in the center involved where practicable)" after "activities";

(ii) in subparagraph (D)—

(I) in clause (iii) by adding "or" at the end;

(II) by striking clause (iv); and

(III) by redesignating clause (v) as clause (iv);

(iii) in subparagraph (E) by striking "and (D)" and inserting "and (E)";

(iv) by redesignating subparagraphs (D) and (E) and subparagraphs (E) and (F), respectively; and

(v) by inserting after subparagraph (C) the following:

"(D) to offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;";

(D) by amending paragraph (7) to read as follows:

"(7) the plan of such applicant to meet the needs of non-English background children and their families, including needs related to the acquisition of the English language;";

(E) in paragraph (8)—

(i) by striking the period at the end and inserting "; and"; and

(ii) by redesignating such paragraph as paragraph (9);

(F) by inserting after paragraph (7) the following:

"(8) the plan of such applicant to meet the needs of children with disabilities;"; and

(G) by adding at the end the following:

"(10) the plan of such applicant to collaborate with other entities carrying out early childhood education and child care programs in the community."; and

(5) by amending subsection (e) to read as follows:

"(e) If no agency in the community receives priority designation and if there is no qualified applicant in the community, then the Secretary shall designate an agency to carry out the Head Start program in the community on an interim basis until a qualified applicant from the community is so designated.".

SEC. 108. QUALITY STANDARDS.

(a) QUALITY STANDARDS.—Section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting ", including minimum levels of overall accomplishment," after "regulation standards";

(B) in subparagraph (A), by striking "education,";

(C) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(D) by inserting after subparagraph (A) the following:

"(B)(i) education performance standards to ensure the school readiness of children participating in a Head Start program, on completion of the Head Start program and prior to entering school; and

"(ii) additional school readiness performance standards (based on cognitive learning abilities) to ensure that the children participating in the program, at a minimum—

"(I) develop phonemic, print, and numeracy awareness;

"(II) understand and use oral language to communicate for different purposes;

"(III) understand and use increasingly complex and varied vocabulary;

"(IV) develop and demonstrate an appreciation of books; and

"(V) in the case of non-English background children, progress toward acquisition of the English language.";

(2) by striking paragraph (2);

(3) in paragraph (3)—

(A) in subparagraph (B)(iii) by striking "child" and inserting "early childhood education and"; and

(B) in subparagraph (C)—

(i) in clause (i)—

(I) by striking "not later than 1 year after the date of enactment of this section,"; and

(II) by striking "section 651(b)" and all that follows through "section" and inserting "this subsection"; and

(ii) in subclause (ii), by striking "November 2, 1978" and inserting "the date of enactment of the Head Start Amendments Act of 1998"; and

(4) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) PERFORMANCE MEASURES.—Section 641A(b) of the Head Start Act (42 U.S.C. 9836a(b)) is amended—

(1) in the heading, by inserting "RESULTS-BASED" before "PERFORMANCE";

(2) in paragraph (1)—

(A) by striking "Not later than 1 year after the date of enactment of this section, the" and inserting "The";

(B) by striking "child" and inserting "early childhood education and"; and

(C) by striking the period at the end and inserting ", and the impact of the services provided through the programs to children and their families.";

(3) in paragraph (2)—

(A) in the heading, by striking "DESIGN" and inserting "CHARACTERISTICS";

(B) in the matter preceding subparagraph (A), by striking "be designed" and inserting "include the education and school-based readiness performance standards described in subsection (a)(1)(B) and shall";

(C) in subparagraph (A), by striking "to assess" and inserting "assess the impact of";

(D) in subparagraph (B)—

(i) by striking "to";

(ii) by striking "and peer review" and inserting ", peer review, and program evaluation"; and

(iii) by inserting "not later than January 1, 1999" before the semicolon at the end; and

(E) in subparagraph (C), by inserting "be developed" before "for other";

(4) in paragraph (3)(A) by striking "and by region" and inserting ", regionally, and locally"; and

(5) by adding at the end the following:

"(4) REQUIRED RESULTS-BASED PERFORMANCE MEASURES.—Such results-based performance measures shall ensure that such children—

"(A) know that letters of the alphabet are a special category of visual graphics that can be individually named;

"(B) recognize a word as a unit of print;

"(C) identify at least 10 letters of the alphabet; and

"(D) associate sounds with written words.

"(5) OTHER RESULTS-BASED PERFORMANCE MEASURES.—In addition to other applicable results-based performance measures, Head Start agencies may establish their own results-based school readiness performance measures.".

(c) MONITORING.—Section 641A(c) of the Head Start Act (42 U.S.C. 9836a(c)) is amended—

(1) in paragraph (1) by inserting "and results-based performance measures" after "standards"; and

(2) in paragraph (2)

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C)—

(i) by inserting "(including children with disabilities)" after "eligible children"; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(D) include as part of the reviews of the programs, a review and assessment of program effectiveness, as measured in accordance with the results-based performance measures developed pursuant to subsection (b) and with the performance standards established pursuant to subparagraphs (A) and (B) of subsection (a)(1); and

"(E) seek information from the community and the State about the performance of the program and its efforts to collaborate with other entities carrying out early childhood education and child care programs in the community.".

(d) TERMINATION.—Section 641A(d) of the Head Start Act (42 U.S.C. 9836a(d)) is amended—

(1) in paragraph (1)—

(A) by inserting "or results-based performance measures described in subsection (b)" after "subsection (a)"; and

(B) by amending subparagraph (B) to read as follows:

"(B) with respect to each identified deficiency, require the agency—

"(i) to correct the deficiency immediately, if the Secretary finds that the deficiency threatens the health or safety of staff or program participants or poses a threat to the integrity of Federal funds;

"(ii) to correct the deficiency not later than 90 days after the identification of the deficiency if the Secretary finds, in the discretion of the Secretary, that such a 90-day period is reasonable, in light of the nature and magnitude of the deficiency; or

"(iii) in the discretion of the Secretary (taking into consideration the seriousness of the deficiency and the time reasonably required to correct the deficiency) to comply with the requirements of paragraph (2) concerning a quality improvement plan; and"; and

(2) in paragraph (2)(A), in the matter preceding clause (i), by striking "immediately" and inserting "immediately or during a 90-day period under clause (i) or (ii) of paragraph (1)(B)".

(e) REPORT.—Section 641A(e) of the Head Start Act (42 U.S.C. 9836a(e)) is amended by adding at the end the following: "Such report shall be widely disseminated and available for public review in both written and electronic formats.".

SEC. 109. POWERS AND FUNCTIONS OF HEAD START AGENCIES.

Section 642 of the Head Start Act (42 U.S.C. 9837) is amended—

(1) in subsection (b)—

(A) in paragraph (6)—

(i) by striking subparagraph (D); and

(ii) by redesignating subparagraphs (E) and (F) and subparagraphs (D) and (E), respectively;

(B) in paragraph (8) by striking "and" at the end;

(C) in paragraph (9) by striking the period at the end and inserting "; and";

(D) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(E) by inserting after paragraph (5) the following:

"(6) offer to parents of participating children substance abuse counseling (either directly or through referral to local entities), including information on drug-exposed infants and fetal alcohol syndrome;"; and

(F) by adding at the end the following:

"(11)(A) inform custodial parents in single-parent families that participate in programs, activities, or services carried out under this subtitle about the availability of child support services for purposes of establishing paternity and acquiring child support;

"(B) refer eligible parents to the child support offices of State and local governments; and

"(C) establish referral arrangements with such offices.";

(2) in subsection (c)—

(A) by inserting "and collaborate" after "coordinate";

(B) by inserting "and part C and section 619 of the Individuals with Disabilities Education Act (20 U.S.C 1431–1445, 1419)" after "(20 U.S.C. 2741 et seq.)"; and

(C) by striking "section 402(g) of the Social Security Act, and other" and inserting "the State program carried out under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.), and other early childhood education and development"; and

(3) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "carry out" and all that follows through "maintain" and inserting "take steps to ensure, to the maximum extent possible, that children maintain";

(ii) by inserting "and educational" after "developmental"; and

(iii) by striking "to build" and inserting "build";

(B) by striking paragraph (2); and

(C) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively.

SEC. 110. HEAD START TRANSITION.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 642 the following:

"SEC. 642A. HEAD START TRANSITION.

"Each Head Start agency shall take steps to coordinate with the local educational agency serving the community involved and with schools in which children participating in a Head Start program operated by such agency will enroll following such program, including—

"(1) developing and implementing a systematic procedure for transferring, with parental consent, Head Start program records for each participating child to the school in which such child will enroll;

"(2) establishing channels of communication between Head Start staff and their counterparts in the schools (including teachers, social workers, and health staff) to facilitate coordination of programs;

"(3) conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start program teachers to discuss the educational, developmental, and other needs of individual children;

"(4) organizing and participating in joint transition-related training of school staff and Head Start staff;

"(5) developing and implementing a family outreach and support program in cooperation with entities carrying out parental involvement efforts under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

"(6) assisting families, administrators, and teachers in enhancing educational and developmental continuity between Head Start services and elementary school classes; and

"(7) linking the services provided in such program with the education services provided by such local education agency.".

SEC. 111. SUBMISSION OF PLANS TO GOVERNORS.

The first sentence of section 643 of the Head Start Act (42 U.S.C. 9838) is amended—

(1) by striking "30 days" and inserting "45 days";

(2) by striking "so disapproved" and inserting "disapproved (for reasons other than failure to comply with State health, safety, and child care laws, including regulations applicable to comparable child care programs in the State)"; and

(3) by inserting before the period ", as evidenced by a written statement of the Secretary's findings transmitted to such officer".

SEC. 112. PARTICIPATION IN HEAD START PROGRAMS.

Section 645(a) of the Head Start Act (42 U.S.C. 9840(a)) is amended—

(1) in the last sentence of paragraph (1)—

(A) by striking "provide (A) that" and inserting the following:

"provide—

"(A) that"; and

(B) by amending subparagraph (B) to read as follows:

"(B) pursuant to such regulations as the Secretary shall prescribe, that programs assisted under this subchapter may—

"(i) include a child who has been determined to meet the low-income criteria and who is participating in a Head Start program in a program year shall be considered to continue to meet the low-income criteria through the end of the succeeding program year. In determining, for purposes of this paragraph, whether a child who has applied for enrollment in a Head Start program meets the low-income criteria, an entity may consider evidence of family income during the 12 months preceding the month in which the application is submitted, or during the calendar year preceding the calendar year in which the application is submitted, whichever more accurately reflects the needs of the family at the time of application;

"(ii) permit not more than 25 percent of the children enrolled in a Head Start program to be children (without counting children with disabilities) whose family income does not exceed 140 percent of the poverty line if the Head Start agency carrying out such program—

"(I) has a community needs assessment that demonstrates a need to provide Head Start services to more of such children who are members of families with incomes that exceed the poverty line but do not exceed 140 percent of the poverty line; and

"(II) ensures that, as a result of enrolling a greater percentage of children described in this clause, there will not be a reduction in, or denial of, Head Start services to children who are eligible under subparagraph (A);

"(iii) subject to the approval of the Secretary, permit such Head Start agency that demonstrates to the Secretary that it has made reasonable efforts to enroll children eligible under subparagraph (A) in the Head Start program carried out by such agency, to charge participation fees for children described in clause (ii), consistent with the sliding fee schedule established by the State under section 658E(c)(5) of the of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(5)).";

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

"(2) A Head Start agency that provides a Head Start program with full-working-day services in collaboration with other agencies or entities may collect a family copayment to support extended day services if a copayment is required in conjunction with the partnership. The copayment shall not exceed the copayment charged to families with similar incomes and circumstances who are receiving the services through participation in a program carried out by another agency or entity.".

SEC. 113. EARLY HEAD START PROGRAMS FOR FAMILIES WITH INFANTS AND TODDLERS.

(a) PROGRAM.—Section 645A of the Head Start Act (42 U.S.C. 9840a) is amended—

(1) in the section heading, by inserting "EARLY HEAD START" before "PROGRAMS FOR";

(2) in subsection (a)—

(A) in paragraph (1) by striking "; and" and inserting a period;

(B) by striking paragraph (2); and

(C) by striking "for—" and all that follows through "(1)", and inserting "for";

(3) in subsection (b)—

(A) in paragraph (5), by inserting "(including programs for infants and toddlers with disabilities)" after "community";

(B) in paragraph (7) by striking "and" at the end;

(C) by redesignating paragraph (8) as paragraph (9); and

(D) by inserting after paragraph (7) the following:

"(8) ensure formal linkages with the agencies described in section 644(b) of the Individuals With Disabilities Education Act Amendments of 1997 and providers of early intervention services for infants and toddlers with disabilities under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.); and";

(4) in subsection (c)—

(A) by striking "(a)(1)" and inserting "(a)"; and

(B) in paragraph (2), by striking "(or under" and all that follows through "(e)(3))";

(5) in subsection (d)—

(A) in paragraph (1), by inserting "and" at the end;

(B) by striking paragraph (2); and

(C) in paragraph (3) by redesignating such paragraph as paragraph (2);

(6) by striking subsection (e);

(7) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively;

(8) in subsection (e) (as redesignated in paragraph (7))—

(A) in the subsection heading, by striking "OTHER"; and

(B) by striking "From the balance remaining of the portion specified in section 640(a)(6), after making grants to the eligible entities specified in subsection (e)," and inserting "From the portion specified in section 640(a)(6),";

(9) by striking subsection (h); and

(10) by adding at the end the following:

"(g) MONITORING, TRAINING, TECHNICAL ASSISTANCE, AND EVALUATION.—

"(1) REQUIREMENT.—In order to ensure the successful operation of programs assisted under this section, the Secretary shall use funds from the portion specified in section 640(a)(6) to monitor the operation of such programs, evaluate their effectiveness, and provide training and technical assistance tailored to the particular needs of such programs.

"(2) TRAINING AND TECHNICAL ASSISTANCE ACCOUNT.—

"(A) IN GENERAL.—Of the amount made available to carry out this section for any fiscal year, not less than 5 percent and not more than 10 percent shall be reserved to fund a training and technical assistance account.

"(B) ACTIVITIES.—Funds in the account may be used for purposes including—

"(i) making grants to, and entering into contracts with, organizations with specialized expertise relating to infants, toddlers, and families and the capacity needed to provide direction and support to a national training and technical assistance system, in order to provide such direction and support;

"(ii) providing ongoing training and technical assistance for regional and program staff charged with monitoring and overseeing the administration of the program carried out under this section;

"(iii) providing ongoing training and technical assistance for existing recipients of grants under subsection (a) and support and program planning and implementation assistance for new recipients of such grants; and

"(iv) providing professional development and personnel enhancement activities, including the provision of funds to recipients of grants under subsection (a) for the recruitment and retention of qualified staff with an appropriate level of education and experience.".

(b) CONFORMING AMENDMENT.—Section 640(a)(5)(F) of the Head Start Act (42 U.S.C. 9835(a)(5)(F)), as so redesignated by section 106, is amended by striking "section 645(a)(1)(A)" and inserting "section 645(a)".

SEC. 114. TECHNICAL ASSISTANCE AND TRAINING.

Section 648 of the Head Start Act (42 U.S.C. 9843) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) ensure the provision of technical assistance to assist Head Start agencies, entities carrying out other child care and early childhood programs, communities, and States in collaborative efforts to provide quality full-working-day, full-calendar-year services, including technical assistance related to identifying and assisting in resolving barriers to collaboration."; and

(2) in subsection (c)—

(A) by amending paragraph (1) to read as follows:

"(1) give priority consideration to—

"(A) activities to correct program and management deficiencies identified through reviews pursuant to section 641A(c) (including the provision of assistance to local programs in the development of quality improvement plans under section 641A(d)(2)); and

"(B) assisting Head Start agencies in—

"(i) ensuring the school readiness of children; and

"(ii) meeting the education and school readiness performance standards described in this subchapter;";

(B) in paragraph (2) by inserting "supplement amounts provided under section 640(a)(3)(C)(ii)," after "(2)";

(C) in paragraph (4)—

(i) by inserting "and implementing" after "developing"; and

(ii) by striking "a longer day" and inserting the following: "the day, and assist the agencies and programs in expediting the sharing of information about innovative models for providing full-working-day, full-calendar-year services for children";

(D) in paragraph (7), by striking "and" at the end;

(E) by redesignating paragraphs (3) through (8) as paragraphs (5) through (10), respectively; and

(F) by inserting after paragraph (2) the following:

"(3) assist Head Start agencies in the development of collaborative initiatives with States and other entities within the States, to foster effective early childhood professional development systems;

"(4) assist classroom and non-classroom staff, including individuals in management and leadership capacities, to understand the components of effective family literacy services, gain knowledge about proper implementation of such services within a Head Start program, and receive assistance to achieve successful collaboration agreements with other service providers that allow the effective integration of family literacy services with the Head Start program;".

SEC. 115. PROFESSIONAL REQUIREMENTS.

Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended—

(1) by amending subsection (a) to read as follows:

"(a) CLASSROOM TEACHERS.—

"(1) PROFESSIONAL REQUIREMENTS.—The Secretary shall ensure that each Head Start classroom in a center-based program is assigned 1 teacher who has demonstrated competency to perform functions that include—

"(A) planning and implementing learning experiences that advance the intellectual and physical development of children, including improving readiness of children for school by developing their literacy and phonemic, print, and numeracy awareness, their understanding and use of oral language, their understanding and use of increasingly complex and varied vocabulary, their appreciation of books and their problem solving abilities;

"(B) establishing and maintaining a safe, healthy learning environment;

"(C) supporting the social and emotional development of children; and

"(D) encouraging the involvement of the families of the children in a Head Start program and supporting the development of relationships between children and their families.

"(2) DEGREE REQUIREMENTS.—The Secretary shall ensure that not later than September 30, 2003, at least 50 percent of all Head Start classrooms in a center-based program are assigned 1 teacher who has an associate, baccalaureate, or an advanced degree in early childhood education or development and shall require Head Start agencies to demonstrate continuing progress each year to reach that result. In the remaining balance of such classrooms, there shall be assigned one teacher who has—

"(A) a child development associate (CDA) credential that is appropriate to the age of the children being served in center-based programs;

"(B) a State-awarded certificate for preschool teachers that meets or exceeds the requirements for a child development associate credential; or

"(C) a degree in a field related to early childhood education with experience in teaching preschool children and a State-awarded certificate to teach in a preschool program.

"(3) ASSESSMENT.—Head Start agencies shall adopt, in consultation with experts in child development and with classroom teachers, an assessment to be used when hiring or evaluating any classroom teacher in a center-based Head Start program. Such assessment shall measure whether such teacher has mastered the functions described in paragraph (1)(A).."; and

(2) in subsection (b)(2)(B)—

(A) by striking "staff," and inserting "staff or"; and

(B) by striking ", or that" and all that follows through "families".

SEC. 116. FAMILY LITERACY SERVICES.

The Head Start Act (42 U.S.C. 9831 et seq.) is amended by inserting after section 648A the following:

"SEC. 648B. FAMILY LITERACY SERVICES.

"From funds reserved under section 639(b)(4), the Secretary—

"(1) shall provide grants through a competitive process, based upon the quality of the family literacy service proposal and taking into consideration geographic and urban/rural representation, for not more than 100 Head Start agencies to initiate provision of family literacy services through collaborative partnerships with entities that provide adult education services, entities carrying out Even Start programs under part B of chapter 1 of title 1 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 274 et seq.), or entities that provide other services deemed necessary for the provision of family literacy services; and

"(2) may—

"(A) provide training and technical assistance to Head Start agencies that already provide family literacy services;

"(B) designate as mentor programs, and provide financial assistance to, Head Start agencies that demonstrate effective implementation of family literacy services, based on improved outcomes of children and their parents, to enable such agencies to provide training and technical assistance to other agencies that seek to implement, or improve implementation of, family literacy services; and

"(C) award grants or make other assistance available to facilitate training and technical assistance to programs for development of collaboration agreements with other service providers.

In awarding such grants or assistance, the Secretary shall give special consideration to an organization that has experience in the development and operation of successful family literacy services.".

SEC. 117. RESEARCH AND EVALUATION.

Section 649 of the Head Start Act (42 U.S.C. 9844) is amended—

(1) in subsection (d)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7) by striking the period at the end and inserting "; and";

(C) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively;

(D) by inserting after paragraph (1) the following:

"(2) over a 5-year period, lead to the development and rigorous evaluation of models for the integration of family literacy services with Head Start programs, that demonstrate the ability to make positive gains for children participating in Head Start programs and their parents, and dissemination of information about such models;"; and

(E) by adding at the end the following:

"(9) study the experiences of small, medium, and large States with Head Start programs in order to permit comparisons of children participating in the programs with eligible children who did not participate in the programs, which study—

"(A) may include the use of a data set that existed prior to the initiation of the study; and

"(B) shall compare the educational achievement, social adaptation, and health status of the participating children and the eligible nonparticipating children.

The Secretary shall ensure that an appropriate entity carries out a study described in paragraph (9), and prepares and submits to the appropriate committees of the Congress a report containing the results of the study, not later than September 30, 2002."; and

(2) by adding at the end the following:

"(g) NATIONAL HEAD START IMPACT RESEARCH.—

"(1) ANALYSES OF DATA BASES.—The Secretary shall obtain analyses of the following existing databases to guide the evaluation recommendations of the expert panel appointed under paragraph (2) and to provide Congress with initial reports of potential Head Start outcomes—

"(A) by use of The Survey of Income and Program Participation (SIPP) conduct an analysis of the different income levels of Head Start participants compared to comparable persons who did not attend Head Start;

"(B) by use of The National Longitudinal Survey of Youth (NLSY) which began gathering data on children who attended Head Start from 1988 on, examine the wide range of outcomes measured within the Survey, including cognitive, socio-emotional, behavioral, and academic development;

"(C) by use of The Survey of Program Dynamics, the new longitudinal survey required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, to begin annual reporting, through the duration of the Survey, on Head Start attendees' academic readiness performance and improvements; and

"(D) to ensure that The Survey of Program Dynamics be linked with the NLSY at least once by the use of a common performance test, to be determined by the expert panel, for the greater national usefulness of the NLSY database.

"(2) EXPERT PANEL.—

"(A) IN GENERAL.—The Secretary shall appoint an independent panel consisting of experts in program evaluation and research, education, and early childhood programs—

"(i) to review, and make recommendations on, the design and plan for the research (whether conducted as a single assessment or as a series of assessments), described in paragraph (3), within 1 year after the date of enactment of the Human Services Reauthorization Act of 1998;

"(ii) to maintain and advise the Secretary regarding the progress of the research; and

"(iii) to comment, if the panel so desires, on the interim and final research reports submitted under paragraph (8).

"(B) TRAVEL EXPENSES.—The members of the panel shall not receive compensation for

the performance of services for the panel, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the panel. Notwithstanding section 1342 of title 31, United States Code, the Secretary may accept the voluntary and uncompensated services of members of the panel.

"(3) GENERAL AUTHORITY.—After reviewing the recommendations of the expert panel the Secretary shall enter into a grant, contract, or cooperative agreement with an organization to conduct independent research that provides a national analysis of the impact of Head Start programs. The Secretary shall ensure that the organization shall have expertise in program evaluation, and research, education, and early childhood programs.

"(4) DESIGNS AND TECHNIQUES.—The Secretary shall ensure that the research uses rigorous methodological designs and techniques (based on the recommendations of the expert panel), including longitudinal designs, control groups, nationally recognized standardized measures, and random selection and assignment, as appropriate. The Secretary may provide that the research shall be conducted as a single comprehensive assessment or as a group of coordinated assessments designed to provide, when taken together, a national analysis of the impact of Head Start programs.

"(5) PROGRAMS.—The Secretary shall ensure that the research focuses primarily on Head Start programs that operate in the several States, the Commonwealth of Puerto Rico, or the District of Columbia and that do not specifically target special populations.

"(6) ANALYSIS.—The Secretary shall ensure that the organization conducting the research—

"(A)(i) determines if, overall, the Head Start programs have impacts consistent with their primary goal of increasing the social competence of children, by increasing the everyday effectiveness of the children in dealing with their present environments and future responsibilities, and increasing their school readiness;

"(ii) considers whether the Head Start programs—

"(I) enhance the growth and development of children in cognitive, emotional, and physical health areas;

"(II) strengthen families as the primary nurturers of their children; and

"(III) ensure that children attain school readiness; and

"(iii) examines—

"(I) the impact of the Head Start programs on increasing access of children to such services as educational, health, and nutritional services, and linking children and families to needed community services; and

"(II) how receipt of services described in subclause (I) enriches the lives of children and families participating in Head Start programs;

"(B) examines the impact of Head Start programs on participants on the date the participants leave Head Start programs, at the end of kindergarten, and at the end of first grade, by examining a variety of factors, including educational achievement, referrals for special education or remedial course work, and absenteeism;

"(C) makes use of random selection from the population of all Head Start programs described in paragraph (5) in selecting programs for inclusion in the research; and

"(D) includes comparisons of individuals who participate in Head Start programs with control groups (including comparison groups) composed of—

"(i) individuals who participate in other early childhood programs (such as preschool programs and day care); and

"(ii) individuals who do not participate in any other early childhood program.

"(7) CONSIDERATION OF SOURCES OF VARIATION.—In designing the research, the Secretary shall, to the extent practicable, consider addressing possible sources of variation in impact of Head Start programs, including variations in impact related to such factors as—

"(A) Head Start program operations;

"(B) Head Start program quality;

"(C) the length of time a child attends a Head Start program;

"(D) the age of the child on entering the Head Start program;

"(E) the type of organization (such as a local educational agency or a community action agency) providing services for the Head Start program;

"(F) the number of hours and days of program operation of the Head Start program (such as whether the program is a full-working-day full-calendar-year program, a part-day program or a part-year program); and

"(G) other characteristics and features of the Head Start program (such as geographic location, location in an urban or a rural service area, or participant characteristics), as appropriate.

"(8) REPORTS.—

"(A) SUBMISSION OF INTERIM REPORTS.—The organization shall prepare and submit to the Secretary 2 interim reports on the research. The first interim report shall describe the design of the research, and the rationale for the design, including a description of how potential sources of variation in impact of Head Start programs have been considered in designing the research. The second interim report shall describe the status of the research and preliminary findings of the research, as appropriate.

"(B) SUBMISSION OF FINAL REPORT.—The organization shall prepare and submit to the Secretary a final report containing the findings of the research.

"(C) TRANSMITTAL OF REPORTS TO CONGRESS.—

"(i) IN GENERAL.—The Secretary shall transmit, to the committees described in clause (ii), the first interim report by September 30, 1999, the second interim report by September 30, 2001, and the final report by September 30, 2003.

"(ii) COMMITTEES.—The committees referred to in clause (i) are the Committee on Education and the Workforce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

"(9) DEFINITION.—In this subsection, the term 'impact', used with respect to a Head Start program, means a difference in an outcome for a participant in the program that would not have occurred without the participation in the program.

"(h) QUALITY IMPROVEMENT STUDY.—

"(1) STUDY.—The Secretary shall conduct a study regarding the use and effects of use of the quality improvement funds made available under section 640(a)(3) since fiscal year 1991.

"(2) REPORT.—The Secretary shall prepare and submit to Congress not later than September 2000 a report containing the results of the study, including—

"(A) the types of activities funded with the quality improvement funds;

"(B) the extent to which the use of the quality improvement funds has accomplished the goals of section 640(a)(3)(B); and

"(C) the effect of use of the quality improvement funds on teacher training, salaries, benefits, recruitment, and retention.".

SEC. 118. REPORTS.

Section 650 of the Head Start Act (42 U.S.C. 9846) is amended—

(1) by inserting "(a) STATUS OF CHILDREN.—" before "At";

(2) by striking "and Labor" each place it appears and inserting "and the Workforce";

(3) in paragraph (14) by striking "and seasonal" and inserting "or seasonal"; and

(4) by adding at the end the following:

"(b) FACILITIES.—At least once during every 5-year period, 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 concerning the condition, location, and ownership of facilities used, or available to be used, by Indian Head Start agencies.".

SEC. 119. REPEAL OF CONSULTATION REQUIREMENT.

Section 657A of the Head Start Act (42 U.S.C. 9852a) is repealed.

SEC. 120. REPEAL OF HEAD START TRANSITION PROJECT ACT.

The Head Start Transition Project Act (42 U.S.C. 9855–9855g) is repealed.

SEC. 121. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall not apply with respect to any fiscal year ending before October 1, 1998.

TITLE II—AMENDMENTS TO THE COMMUNITY SERVICES BLOCK GRANT ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Community Services Authorization Act of 1998".

SEC. 202. REAUTHORIZATION.

The heading for subtitle B, and sections 671 through 680, of the Community Services Block Grant Act (42 U.S.C. 9901–9909) are amended to read as follows:

"Subtitle B—Community Services Block Grant Program

"SEC. 671. SHORT TITLE.

"This subtitle may be cited as the 'Community Services Block Grant Act'.

"SEC. 672. PURPOSES AND GOALS.

"The purpose of this subtitle is to provide assistance to States and local communities, working through a network of community action agencies and other neighborhood-based organizations, for the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient (particularly families who are attempting to transition off a State program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)). Such goals may be accomplished through—

"(1) the strengthening of community capabilities for planning, coordinating, and utilizing a broad range of Federal, State, local, and private resources for the elimination of poverty, and for helping individuals and families achieve self-sufficiency;

"(2) greater use of innovative and effective, community-based approaches to attacking the causes and effects of poverty and of community breakdown;

"(3) the maximum participation of residents of the low-income communities and members of the groups served by programs assisted through the block grant to empower such individuals to respond to the unique problems and needs within their communities; and

"(4) the broadening of the resource base of programs directed to the elimination of poverty so as to secure a more active role for private, faith-based, charitable, and neighborhood organizations in the provision of services as well as individual citizens, business, labor, and professional groups who are able to influence the quantity and quality of opportunities and services for the poor.

"SEC. 673. DEFINITIONS.

"In this subtitle:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means an entity—

"(A) that is an eligible entity described in section 673(1) (as in effect on the day before the date of enactment of the Human Services Reauthorization Act of 1998) as of such date of enactment or is designated by the process described in section 676A (including an organization serving migrant or seasonal farmworkers that is so described or designated); and

"(B) that has a tripartite board or other mechanism described in subsection (a) or (b), as appropriate, of section 676B.

"(2) POVERTY LINE.—The term 'poverty line' means the official poverty line defined by the Office of Management and Budget based on the most recent data available from the Bureau of the Census. The Secretary shall revise the poverty line annually (or at any shorter interval the Secretary determines to be feasible and desirable) which shall be used as a criterion of eligibility in the community services block grant program established under this subtitle. The required revision shall be accomplished by multiplying the official poverty line by the percentage change in the Consumer Price Index for All Urban Consumers during the annual or other interval immediately preceding the time at which the revision is made. Whenever a State determines that it serves the objectives of the block grant program established under this subtitle, the State may revise the poverty line to not to exceed 125 percent of the official poverty line otherwise applicable under this paragraph.

"(3) PRIVATE, NONPROFIT ORGANIZATION.—The term 'private, nonprofit organization' includes a faith-based organization, to which the provisions of section 679 shall apply.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(5) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands, but for fiscal years ending before October 1, 2001, includes the Federated States of Micronesia, the Republic of he Marshall Islands, and Palau.

"SEC. 674. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated $535,000,000 for fiscal year 1999 and such sums as may be necessary for each of fiscal years 2000 through 2003 to carry out the provisions of this subtitle (other than sections 681 and 682).

"(b) RESERVATIONS.—Of the amounts appropriated under subsection (a) for each fiscal year, the Secretary shall reserve—

"(1) ½ of 1 percent for carrying out section 675A (relating to payments for territories);

"(2) 1 ½ percent for activities authorized in sections 678A through 678F, of which—

"(A) not less than ½ of the amount reserved by the Secretary under this paragraph shall be distributed directly to local eligible entities or to statewide organizations whose membership is composed of eligible entities, as required under section 678A(c) for the purpose of carrying out activities described in section 678A; and

"(B) ½ of the remainder of the amount reserved by the Secretary under this paragraph shall be used to carry out monitoring, evaluation, and corrective activities described in sections 678B(c) and 678A; and

"(3) not more than 9 percent for carrying out section 680 (relating to discretionary activities).

"SEC. 675. ESTABLISHMENT OF BLOCK GRANT PROGRAM.

"The Secretary is authorized to establish a community services block grant program and make grants through the program to States to ameliorate the causes of poverty in communities within the States.

"SEC. 675A. DISTRIBUTION TO TERRITORIES.

"(a) APPORTIONMENT.—The Secretary shall apportion the amount reserved under section 674(b)(1)—

(1) for each fiscal year on the basis of need among Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands; and

(2) for fiscal years ending before October 1, 2001, and subject to subsection (c), on the basis of need among the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau.

"(b) APPLICATION.—Each jurisdiction to which subsection (a) applies may receive a grant under this subtitle for the amount apportioned under subsection (a) on submitting to the Secretary, and obtaining approval of, an application containing provisions that describe the programs for which assistance is sought under this subtitle, and that are consistent with the requirements of section 676.

"(c) LIMITATION.—(1) Funds apportioned under subsection (a) for the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall be used by the Secretary to make grants on a competitive basis, pursuant to recommendations submitted to the Secretary by the Pacific Region Educational Laboratory of the Department of Education, to the Federated States of Micronesia, the Republic of the Marshall Islands, Palau, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, for the purpose of carrying out programs in accordance with this subtitle.

"(2) Not more than 5 percent of such funds may be used by the Secretary to compensate the Pacific Region Educational Laboratory of the Department of Education for administrative costs incurred in connection with making recommendations under paragraph (1).

"(3) Notwithstanding any other provision of law, the Federated States of Micronesia, the Republic of the Marshall Islands, and Palau shall not receive any funds under this subtitle for any fiscal year that begins after September 30, 2001.

"SEC. 675B. ALLOTMENTS AND PAYMENTS TO STATES.

"(a) ALLOTMENTS IN GENERAL.—The Secretary shall, from the amount appropriated under section 674(a) for each fiscal year that remains after the Secretary makes the reservations required in section 674(b), allot to each State, subject to section 677, an amount that bears the same ratio to such remaining amount as the amount received by the State for fiscal year 1981 under section 221 of the Economic Opportunity Act of 1964 bore to the total amount received by all States for fiscal year 1981 under such section, except that no State shall receive less than ¼ of 1 percent of the amount appropriated under section 674(a) for such fiscal year.

"(b) ALLOTMENTS IN YEARS WITH GREATER AVAILABLE FUNDS.—

"(1) MINIMUM ALLOTMENTS.—Subject to paragraphs (2) and (3), if the amount appropriated under section 674(a) for a fiscal year that remains after the Secretary makes the reservations required in section 674(b) exceeds $345,000,000, the Secretary shall allot to each State not less than ½ of 1 percent of the amount appropriated under section 674(a) for such fiscal year.

"(2) MAINTENANCE OF FISCAL YEAR 1990 LEVELS.—Paragraph (1) shall not apply with respect to a fiscal year if the amount allotted under subsection (a) to any State for that year is less than the amount allotted under subsection (a) to such State for fiscal year 1990.

"(3) MAXIMUM ALLOTMENTS.—The amount allotted under paragraph (1) to a State shall be reduced for a fiscal year, if necessary, so that the aggregate amount allotted to such State under such paragraph and subsection (a) does not exceed 140 percent of the aggregate amount allotted to such State under the corresponding provisions of this subtitle for the fiscal year preceding the fiscal year for which a determination is made under this subsection.

"(c) ALLOTMENT OF ADDITIONAL FUNDS.—Notwithstanding subsections (a) and (b), in any fiscal year in which the amount appropriated under section 674(a) exceeds the amount appropriated under such section for fiscal year 1999, such excess shall be allotted among the States proportionately based on—

"(1) the number of public assistance recipients in the respective States;

"(2) the number of unemployed individuals in the respective States; and

"(3) the number of individuals with incomes below the poverty line in the respective States.

"(d) PAYMENTS.—The Secretary shall make payments to eligible States from the allotments made under this section. The Secretary shall make payments for the grants in accordance with section 6503(a) of title 31, United States Code.

"(e) DEFINITION.—For purposes of this section, the term 'State' does not include Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands.

"SEC. 675C. USES OF FUNDS.

"(a) GRANTS TO LOCAL ELIGIBLE ENTITIES AND OTHER ORGANIZATIONS.—

"(1) IN GENERAL.—Not less than 90 percent of the funds allotted to a State under section 675B shall be used by the State to make grants for the purposes described in section 672 to eligible entities.

"(2) OBLIGATIONAL AUTHORITY.—Funds distributed to eligible entities through grants made in accordance with paragraph (1) for a fiscal year shall be available for obligation during that fiscal year and the succeeding fiscal year, in accordance with paragraph (3).

"(3) RECAPTURE AND REDISTRIBUTION OF UNOBLIGATED FUNDS.—

"(A) AMOUNT.—Beginning on October 1, 2000, a State may recapture and redistribute funds distributed to an eligible entity through a grant made under paragraph (1) that are unobligated at the end of a fiscal year if such unobligated funds exceed 20 percent of the amount so distributed to such eligible entity for such fiscal year.

"(B) REDISTRIBUTION.—In redistributing funds recaptured in accordance with this

paragraph, States shall redistribute such funds to an eligible entity, or require the original recipient of the funds to redistribute the funds to a private, nonprofit organization, located within the community served by the original recipient of the funds, for activities consistent with the purposes of this subtitle.

"(b) STATEWIDE ACTIVITIES.—

"(1) USE OF REMAINDER.—If a State uses less than 100 percent of the State allotment to make grants under subsection (a), the State shall use the remainder of the allotment (subject to paragraph (2)) for activities which may include—

"(A) providing training and technical assistance to those entities in need of such training and assistance;

"(B) coordinating State-operated programs and services targeted to low-income children and families with services provided by eligible entities and other organizations funded under this subtitle, including detailing appropriate employees of State or local agencies to entities funded under this subtitle, to ensure increased access to services provided by such State or local agencies;

"(C) supporting statewide coordination and communication among eligible entities;

"(D) analyzing the distribution of funds made available under this subtitle within the State to determine if such funds have been targeted to the areas of greatest need;

"(E) supporting asset-building programs for low-income individuals, such as programs supporting individual development accounts;

"(F) supporting innovative programs and activities conducted by community action agencies or other neighborhood-based organizations to eliminate poverty, promote self-sufficiency, and promote community revitalization;

"(G) supporting other activities, consistent with the purposes of this subtitle; and

"(H) State charity tax credits as described in subsection (c).

"(2) ADMINISTRATIVE CAP.—No State may spend more than the greater of $55,000, or 5 percent, of the State's allotment received under section 675B for administrative expenses, including monitoring activities. Funds to be spent for such expenses shall be taken from the portion of the State allotment that remains after the State makes grants to eligible entities under subsection (a).± The cost of activities conducted under paragraph (1)(A) shall not be considered to be administrative expenses.

"(c)(1) Subject to paragraph (2), if there is in effect under State law a charity tax credit, then the State may use for any purpose the amount of the allotment that is available for expenditure under subsection (b).

"(2) The aggregate amount a State may use under paragraph (1) during a fiscal year shall not exceed 100 percent of the revenue loss of the State during the fiscal year that is attributable to the charity tax credit, as determined by the Secretary of the Treasury without regard to any such revenue loss occurring before January 1, 1999.

"(3) For purposes of this subsection:

"(A) CHARITY TAX CREDIT.—The term 'charity tax credit' means a nonrefundable credit against State income tax (or, in the case of a State which does not impose an income tax, a comparable benefit) which is allowable for contributions, in cash or in kind, to qualified charities.

"(B) QUALIFIED CHARITY.—

"(i) IN GENERAL.—The term 'qualified charity' means any organization—

"(I) which is—

"(aa) described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

"(bb) a community action agency as defined in the Economic Opportunity Act of 1964; or

"(cc) a public housing agency as defined in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437A(b)(6));

"(II) which is certified by the appropriate State authority as meeting the requirements of clauses (iii) and (iv); and

"(III) if such organization is otherwise required to file a return under section 6033 of such Code, which elects to treat the information required to be furnished by clause (v) as being specified in section 6033(b) of such Code.

"(ii) CERTAIN CONTRIBUTIONS TO COLLECTION ORGANIZATIONS TREATED AS CONTRIBUTIONS TO QUALIFIED CHARITY.—

"(I) IN GENERAL.—A contribution to a collection organization shall be treated as a contribution to a qualified charity if the donor designates in writing that the contribution is for the qualified charity.

"(II) COLLECTION ORGANIZATION.—The term 'collection organization' means an organization described in section 501(c)(3) of such Code and exempt from tax under section 501(a) of such Code—

"(aa) which solicits and collects gifts and grants which, by agreement, are distributed to qualified charities described in clause (i);

"(bb) which distributes to qualified charities described in clause (i) at least 90 percent of the gifts and grants it receives that are designated for such qualified charities; and

"(cc) which meets the requirements of clause (vi).

"(iii) CHARITY MUST PRIMARILY ASSIST POOR INDIVIDUALS.—

"(I) IN GENERAL.—An organization meets the requirements of this clause only if the appropriate State authority reasonably expects that the predominant activity of such organization will be the provision of direct services within the United States to individuals and families whose annual incomes generally do not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget) in order to prevent or alleviate poverty among such individuals and families.

"(II) NO RECORDKEEPING IN CERTAIN CASES.—An organization shall not be required to establish or maintain records with respect to the incomes of individuals and families for purposes of subclause (I) if such individuals or families are members of groups which are generally recognized as including substantially only individuals and families described in subclause (I).

"(III) FOOD AID AND HOMELESS SHELTERS.—Except as otherwise provided by the appropriate State authority, for purposes of subclause (I), services to individuals in the form of—

"(aa) donations of food or meals; or

"(bb) temporary shelter to homeless individuals;

shall be treated as provided to individuals described in subclause (I) if the location and operation of such services are such that the service provider may reasonably conclude that the beneficiaries of such services are predominantly individuals described in subclause (I).

"(iv) MINIMUM EXPENSE REQUIREMENT.—

"(I) IN GENERAL.—An organization meets the requirements of this clause only if the appropriate State authority reasonably expects that the annual poverty program expenses of such organization will not be less than 75 percent of the annual aggregate expenses of such organization.

"(II) POVERTY PROGRAM EXPENSE.—For purposes of subclause (I)—

"(aa) IN GENERAL.—The term 'poverty program expense' means any expense in providing program services referred to in clause (iii).

"(bb) EXCEPTIONS.—Such term shall not include any management or general expense, any expense for the purpose of influencing legislation (as defined in section 4911(d) of the Internal Revenue Code of 1986), any expense for the purpose of fundraising, any expense for a legal service provided on behalf of any individual referred to in clause (iii), any expense for providing tuition assistance relating to compulsory school attendance, and any expense which consists of a payment to an affiliate of the organization.

"(v) REPORTING REQUIREMENT.—The information required to be furnished under this clause is—

"(i) the percentages determined by dividing the following categories of the organization's expenses for the year by its total expenses for the year: program services, management expenses, general expenses, fundraising expenses, and payments to affiliates; and

"(ii) the category or categories (including food, shelter, education, substance abuse, job training, or otherwise) of services which constitute its predominant activities.

"(vi) ADDITIONAL REQUIREMENTS FOR COLLECTION ORGANIZATIONS.—The requirements of this clause are met if the organization—

"(I) maintains separate accounting for revenues and expenses; and

"(II) makes available to the public its administrative and fundraising costs and information as to the organizations receiving funds from it and the amount of such funds.

"(vii) SPECIAL RULE FOR STATES REQUIRING TAX UNIFORMITY.—In the case of a State—

"(I) which has a constitutional requirement of tax uniformity; and

"(II) which, as of December 31, 1997, imposed a tax on personal income with—

"(aa) a single flat rate applicable to all earned and unearned income (except insofar as any amount is not taxed pursuant to tax forgiveness provisions); and

"(bb) no generally available exemptions or deductions to individuals;

the requirement of paragraph (2) shall be treated as met if the amount of the credit is limited to a uniform percentage (but not greater than 25 percent) of State personal income tax liability (determined without regard to credits).

"(4) No part of the aggregate amount a State uses under paragraph (1) may be used to supplant non-Federal funds that would be available, in the absence of Federal funds, to offset a revenue loss of the State attributable to a charity tax credit.

"SEC. 676. APPLICATION AND PLAN.

"(a) DESIGNATION OF LEAD AGENCY.—

"(1) DESIGNATION.—The chief executive officer of a State desiring to receive an allotment under this subtitle shall designate, in an application submitted to the Secretary under subsection (b), an appropriate State agency that complies with the requirements of paragraph (2) to act as a lead agency for purposes of carrying out State activities under this subtitle.

"(2) DUTIES.—The lead agency shall—

"(A) develop the State plan to be submitted to the Secretary under subsection (b);

"(B) in conjunction with the development of the State plan as required under subsection (b), hold at least 1 hearing in the State with sufficient time and statewide distribution of notice of such hearing, to provide to the public an opportunity to comment on the proposed use and distribution of funds to be provided through the allotment for the period covered by the State plan; and

"(C) conduct reviews of eligible entities under section 678B.

"(3) LEGISLATIVE HEARING.—The State shall hold at least 1 legislative hearing every 3 years in conjunction with the development of the State plan.

"(b) STATE APPLICATION AND PLAN.—Beginning with fiscal year 2000, to be eligible to receive an allotment under this subtitle, a State shall prepare and submit to the Secretary an application and State plan covering a period of not less than 1 fiscal year and not more than 2 fiscal years. The plan shall be submitted not later than 30 days prior to the beginning of the first fiscal year covered by the plan, and shall contain such information as the Secretary shall require, including—

"(1) an assurance that funds made available through the allotment will be used to support activities that are designed to assist low-income families and individuals, including families and individuals receiving assistance under title IV of the Social Security Act, homeless families and individuals, migrant or seasonal farmworkers, and elderly low-income individuals and families, and a description of how such activities will enable the families and individuals—

"(A) to remove obstacles and solve problems that block the achievement of self-sufficiency (particularly for families and individuals who are attempting to transition off a State program carried out under title IV of the Social Security Act);

"(B) to secure and retain meaningful employment;

"(C) to attain an adequate education with particular attention toward improving literacy skills of the low-income families in the community, which may include family literacy initiatives;

"(D) to make better use of available income;

"(E) to obtain and maintain adequate housing and a suitable living environment;

"(F) to obtain emergency assistance through loans, grants, or other means to meet immediate and urgent individual and family needs;

"(G) to achieve greater participation in the affairs of the community, including activities that strengthen and improve the relationship with local law enforcement agencies, which may include activities such as neighborhood or community policing efforts;

"(H) to address the needs of youth in low-income communities through youth development programs that support the primary role of the family, give priority to prevention of youth problems and crime, promote increased community coordination and collaboration in meeting the needs of youth, and support development and expansion of innovative community-based youth development programs, which may include after-school child care programs; and

"(I) to make more effective use of, and to coordinate with, other programs related to the purposes of this subtitle (including State welfare reform efforts);

"(2) a description of how the State intends to use discretionary funds made available from the remainder of the allotment described in section 675C(b) in accordance with this subtitle, including a description of how the State will support innovative community and neighborhood-based initiatives related to the purposes of this subtitle;

"(3) based on information provided by eligible entities in the State, a description of—

"(A) the service delivery system, for services provided or coordinated with funds made available through the allotment, targeted to low-income individuals and families in communities within the State;

"(B) a description of how linkages will be developed to fill identified gaps in the services, through the provision of information, referrals, case management, and followup consultations;

"(C) a description of how funds made available through the allotment will be coordinated with other public and private resources; and

"(D) a description of how the funds will be used to support innovative community and neighborhood-based initiatives related to the purposes of this subtitle which may include fatherhood and other initiatives with the goal of strengthening families and encouraging parental responsibility;

"(4) an assurance that local eligible entities in the State will provide, on an emergency basis, for the provision of such supplies and services, nutritious foods, and related services, as may be necessary to counteract conditions of starvation and malnutrition among low-income individuals;

"(5) an assurance that the State and the local eligible entities in the State will coordinate, and establish linkages between, governmental and other social services programs to assure the effective delivery of such services to low-income individuals and to avoid duplication of such services (including a description of how the State and the local eligible entities will coordinate with State and local workforce investment systems in the provision of employment and training services in the State and in local communities);

"(6) an assurance that the State will ensure coordination between antipoverty programs in each community, and ensure, where appropriate, that emergency energy crisis intervention programs under title XXVI (relating to low-income home energy assistance) are conducted in such community;

"(7) an assurance that the State will permit and cooperate with Federal investigations undertaken in accordance with section 678D;

"(8) an assurance that any eligible entity that received funding in the previous fiscal year under this subtitle will not have its funding terminated under this subtitle, or reduced below the proportional share of funding the entity received in the previous fiscal year unless, after providing notice and an opportunity for a hearing on the record, the State determines that cause exists for such termination or such reduction, subject to review by the Secretary as provided in section 678C(b);

"(9) an assurance that local eligible entities in the State will, to the maximum extent possible, coordinate programs with and form partnerships with other organizations serving low-income residents of the communities and members of the groups served by the State, including faith-based organizations, charitable groups, and community organizations;

"(10) an assurance that the State will require each eligible entity to establish procedures under which a low-income individual, community organization, or faith-based organization, or representative of low-income individuals that considers its organization, or low-income individuals, to be inadequately represented on the board (or other mechanism) of the eligible entity to petition for adequate representation;

"(11) an assurance that the State will secure from each eligible entity, as a condition to receipt of funding by the entity under this subtitle for a program, a community action plan (which shall be submitted to the Secretary, at the request of the Secretary, with the State plan) that includes a community-needs assessment for the community served, which may be coordinated with community-needs assessments conducted for other programs;

"(12) an assurance that the State and all eligible entities in the State will, not later than fiscal year 2001, participate in the Results Oriented Management and Accountability System, another performance measure system established pursuant to section 678E(b), or an alternative system for measuring performance and results that meets the requirements of that section, and a description of outcome measures to be used to measure eligible entity performance in promoting self-sufficiency, family stability, and community revitalization; and

"(13) information describing how the State will carry out the assurances described in this subsection.

"(c) FUNDING TERMINATION OR REDUCTIONS.—For purposes of making a determination in accordance with subsection (b)(8) with respect to—

"(1) a funding reduction, the term 'cause' includes—

"(A) a statewide redistribution of funds provided under this subtitle to respond to—

"(i) the results of the most recently available census or other appropriate data;

"(ii) the designation of a new eligible entity; or

"(iii) severe economic dislocation; or

"(B) the failure of an eligible entity to comply with the terms of an agreement to provide services under this subtitle; and

"(2) a termination, the term 'cause' includes the material failure of an eligible entity to comply with the terms of such an agreement and the State plan to provide services under this subtitle or the consistent failure of the entity to achieve performance measures as determined by the State.

"(d) PROCEDURES AND INFORMATION.—The Secretary may prescribe procedures only for the purpose of assessing the effectiveness of eligible entities in carrying out the purposes of this subtitle.

"(e) REVISIONS AND INSPECTION.—

"(1) REVISIONS.—The chief executive officer of each State may revise any plan prepared under this section and shall submit the revised plan to the Secretary.

"(2) PUBLIC INSPECTION.—Each plan or revised plan prepared under this section shall be made available for public inspection within the State in such a manner as will facilitate review of, and comment on, the plan.

"SEC. 676A. DESIGNATION AND REDESIGNATION OF ELIGIBLE ENTITIES IN UNSERVED AREAS.

"(a) QUALIFIED ORGANIZATION IN OR NEAR AREA.—

"(1) IN GENERAL.—If any geographic area of a State is not, or ceases to be, served by an eligible entity under this subtitle, and if the chief executive officer of the State decides to serve such area, the chief executive officer may solicit applications from, and designate as an eligible entity—

"(A) a private nonprofit eligible entity located in an area contiguous to or within reasonable proximity of the unserved area that

is already providing related services in the unserved area; or

"(B) a private nonprofit organization that is geographically located in the unserved area that is capable of providing a broad range of services designed to eliminate poverty and foster self-sufficiency and that meets the requirements of this subtitle.

"(2) REQUIREMENT.—In order to serve as the eligible entity for the area, an entity described in paragraph (1)(B) shall agree to add additional members to the board of the entity to ensure adequate representation—

"(A) in each of the 3 required categories described in subparagraphs (A), (B), and (C) of section 676B(a)(2), by members that reside in the community comprised by the unserved area; and

"(B) in the category described in section 676B(a)(2), by members that reside in the neighborhood served.

"(b) SPECIAL CONSIDERATION.—In designating an eligible entity under subsection (a), the chief executive officer shall grant the designation to an organization of demonstrated effectiveness in meeting the goals and purposes of this subtitle and may give priority, in granting the designation, to local eligible entities that are already providing related services in the unserved area, consistent with the needs identified by a community-needs assessment.

"(c) NO QUALIFIED ORGANIZATION IN OR NEAR AREA.—If no private, nonprofit organization is identified or determined to be qualified under subsection (a) to serve the unserved area as an eligible entity the chief executive officer may designate an appropriate political subdivision of the State to serve as an eligible entity for the area. In order to serve as the eligible entity for that area, the political subdivision shall have a board or other mechanism as required in section 676B(b).

"SEC. 676B. TRIPARTITE BOARDS.

"(a) PRIVATE NONPROFIT ENTITIES.—

"(1) BOARD.—In order for a private, nonprofit entity to be considered to be an eligible entity for purposes of section 673(1), the entity shall administer the community services block grant program through a tripartite board described in paragraph (2) that fully participates in the development and implementation of the program to serve low-income communities or groups.

"(2) SELECTION AND COMPOSITION OF BOARD.—The members of the board referred to in paragraph (1) shall be selected by the entity and the board shall be composed so as to assure that—

"(A) ⅓ of the members of the board are elected public officials, holding office on the date of selection, or their representatives, except that if the number of elected officials reasonably available and willing to serve on the board is less than ⅓ of the membership of the board, membership on the board of appointive public officials or their representatives may be counted in meeting such ⅓ requirement;

"(B) not fewer than ⅓ of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members are representative of low-income individuals and families in the neighborhood served;

"(C) the remainder of the members are officials or members of business, industry, labor, religious, law enforcement, education, or other major groups and interests in the community served; and

"(D) each representative of low-income individuals and families selected to represent a specific neighborhood within a community under subparagraph (B) resides in the neighborhood represented by the member.

"(b) PUBLIC ORGANIZATIONS.—In order for a public organization to be considered to be an eligible entity for purposes of section 673(1), the entity shall administer the community services block grant program through—

"(1) a tripartite board, which shall have members selected by the organization and shall be composed so as to assure that not fewer than ⅓ of the members are persons chosen in accordance with democratic selection procedures adequate to assure that these members—

"(A) are representative of low-income individuals and families in the neighborhood served;

"(B) reside in the neighborhood served; and

"(C) are able to participate actively in the planning and implementation of programs funded under this subtitle; or

"(2) another mechanism specified by the State to assure decisionmaking and participation by low-income individuals in the planning, administration, and evaluation of programs funded under this subtitle.

"SEC. 677. PAYMENTS TO INDIAN TRIBES.

"(a) RESERVATION.—If, with respect to any State, the Secretary—

"(1) receives a request from the governing body of an Indian tribe or tribal organization within the State that assistance under this subtitle be made directly to such tribe or organization; and

"(2) determines that the members of such tribe or tribal organization would be better served by means of grants made directly to provide benefits under this subtitle,

the Secretary shall reserve from amounts that would otherwise be allotted to such State under section 675B for the fiscal year the amount determined under subsection (b).

"(b) DETERMINATION OF RESERVED AMOUNT.—The Secretary shall reserve for the purpose of subsection (a) from amounts that would otherwise be allotted to such State, not less than 100 percent of an amount that bears the same ratio to the State allotment for the fiscal year involved as the population of all eligible Indians for whom a determination has been made under subsection (a) bears to the population of all individuals eligible for assistance under this subtitle in such State.

"(c) AWARDS.—The sums reserved by the Secretary on the basis of a determination made under subsection (a) shall be made available by grant to the Indian tribe or tribal organization serving the individuals for whom such a determination has been made.

"(d) PLAN.—In order for an Indian tribe or tribal organization to be eligible for a grant award for a fiscal year under this section, the tribe or organization shall submit to the Secretary a plan for such fiscal year that meets such criteria as the Secretary may prescribe by regulation.

"(e) DEFINITIONS.—In this section:

"(1) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian tribe' and 'tribal organization' mean a tribe, band, or other organized group of Indians recognized in the State in which the tribe, band, or group resides, or considered by the Secretary of the Interior, to be an Indian tribe or an Indian organization for any purpose.

"(2) INDIAN.—The term 'Indian' means a member of an Indian tribe or of a tribal organization.

"SEC. 678. OFFICE OF COMMUNITY SERVICES.

"(a) OFFICE.—The Secretary shall carry out the functions of this subtitle through an Office of Community Services, which shall be established in the Department of Health and Human Services. The Office shall be headed by a Director.

"(b) GRANTS, CONTRACTS, COOPERATIVE AGREEMENTS.—The Secretary shall carry out functions of this subtitle through grants, contracts, or cooperative agreements.

"SEC. 678A. TRAINING AND TECHNICAL ASSISTANCE.

"(a) ACTIVITIES.—The Secretary shall use the amounts reserved in section 674(b)(2) for training, technical assistance, planning, evaluation, performance measurement, corrective action activities (to correct programmatic deficiencies of eligible entities), reporting, and data collection activities related to programs carried out under this subtitle, and in accordance with subsection (c). Training and technical assistance activities may be carried out by the Secretary through grants, contracts, or cooperative agreements with eligible entities or with organizations or associations whose membership is composed of eligible entities or agencies that administer programs for eligible entities.

"(b) PROCESS.—The process for determining the training and technical assistance to be carried out under this section shall—

"(1) ensure that the needs of eligible entities and programs relating to improving program quality, including financial management practices, are addressed to the maximum extent feasible; and

"(2) incorporate mechanisms to ensure responsiveness to local needs, including an ongoing procedure for obtaining input from the national and State network of eligible entities.

"(c) DISTRIBUTION REQUIREMENT.—Of the amounts reserved under section 674(b)(2) for activities to be carried out under this section, not less than ½ of such amounts shall be distributed directly to local eligible entities or to statewide organizations whose membership is composed of eligible entities for the purpose of improving program quality (including financial management practices), management information and reporting systems, measurement of program results, and for the purpose of ensuring responsiveness to local neighborhood needs.

"SEC. 678B. MONITORING OF ELIGIBLE ENTITIES.

"(a) IN GENERAL.—In order to determine whether eligible entities meet the performance goals, administrative standards, financial management requirements, and other requirements of a State, the State shall conduct the following reviews of eligible entities:

"(1) A full onsite review of each such entity at least once during each 3-year period.

"(2) An onsite review of each newly designated entity immediately after the completion of the first year in which such entity receives funds through the community services block grant program.

"(3) Followup reviews including prompt return visits to eligible entities, and their programs, that fail to meet the goals, standards, and requirements established by the State.

"(4) Other reviews as appropriate, including reviews of entities with programs that have had other Federal, State, or local grants terminated for cause.

"(b) REQUESTS.—The State may request training and technical assistance from the Secretary as needed to comply with the requirements of this section.

"(c) EVALUATIONS BY THE SECRETARY.—The Secretary shall conduct in several States in each fiscal year evaluations and investigations of the use of funds received by the States under this subtitle in order to evaluate compliance with the provisions of this subtitle, and especially with respect to compliance with subsection (b) of section 676. A

report of such evaluations, together with recommendations of improvements designed to enhance the benefit and impact to people in need, shall be sent to each State evaluated. Upon receiving the report the State shall submit a plan of action in response to the recommendations contained in the report. The results of the evaluations shall be submitted annually to the Chairman of the Committee on Education and the Workforce of the House of Representatives and the Chairman of the Committee on Labor and Human Resources of the Senate as part of the report submitted by the Secretary in accordance with section 678E(b)(2).

"SEC. 678C. CORRECTIVE ACTION; TERMINATION AND REDUCTION OF FUNDING.

"(a) DETERMINATION.—If the State determines, on the basis of a review pursuant to subsection 678B, that an eligible entity materially fails to comply with the terms of an agreement, or the State plan, to provide services under this subtitle or to meet appropriate standards, goals, and other requirements established by the State (including performance objectives), the State shall—

"(1) inform the entity of the deficiency to be corrected;

"(2) require the entity to correct the deficiency;

"(3)(A) offer training and technical assistance, if appropriate, to help correct the deficiency, and prepare and submit to the Secretary a report describing the training and technical assistance offered; or

"(B) if the State determines that such training and technical assistance are not appropriate, prepare and submit to the Secretary a report stating the reasons for the determination;

"(4)(A) at the discretion of the State (taking into account the seriousness of the deficiency and the time reasonably required to correct the deficiency), allow the entity to develop and implement, within 60 days after being informed of the deficiency, a quality improvement plan to correct such deficiency within a reasonable period of time, as determined by the State; and

"(B) not later than 30 days after receiving from an eligible entity a proposed quality improvement plan pursuant to subparagraph (A), either approve such proposed plan or specify the reasons why the proposed plan cannot be approved; and

"(5) after providing adequate notice and an opportunity for a hearing, initiate proceedings to terminate the designation of or reduce the funding under this subtitle of the eligible entity unless the entity corrects the deficiency.

"(b) REVIEW.—A determination to terminate the designation or reduce the funding of an eligible entity is reviewable by the Secretary. The Secretary shall, upon request, review such a determination. The review shall be completed not later than 120 days after the determination to terminate the designation or reduce the funding. If the review is not completed within 120 days, the determination of the State shall become final at the end of the 120th day.

"(c) DIRECT ASSISTANCE.—Whenever a State violates the assurances contained in section 676(b)(8) and terminates or reduces the funding of an eligible entity prior to the completion of the State's hearing and the Secretary's review as required in subsection (b), the Secretary shall assume responsibility for providing financial assistance to the eligible entity affected until the violation is corrected. In such case, the allotment for the State shall be reduced by an amount equal to the funds provided under this subsection to such eligible entity.

"SEC. 678D. FISCAL CONTROLS, AUDITS, AND WITHHOLDING.

"(a) FISCAL CONTROLS, PROCEDURES, AUDITS, AND INSPECTIONS.—

"(1) IN GENERAL.—A State that receives funds under this subtitle shall—

"(A) establish fiscal control and fund accounting procedures necessary to assure the proper disbursal of and accounting for Federal funds paid to the State under this subtitle, including procedures for monitoring the funds provided under this subtitle;

"(B) ensure that cost and accounting standards of the Office of Management and Budget apply to a recipient of funds under this subtitle;

"(C) prepare, at least every year in accordance with paragraph (2) an audit of the expenditures of the State of amounts received under this subtitle and amounts transferred to carry out the purposes of this subtitle; and

"(D) make appropriate books, documents, papers, and records available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for examination, copying, or mechanical reproduction on or off the premises of the appropriate entity upon a reasonable request for the items.

"(2) AUDITS.—Each audit required by subsection (a)(1)(C) shall be conducted by an entity independent of any agency administering activities or services carried out under this subtitle and shall be conducted in accordance with generally accepted accounting principles. Within 30 days after the completion of each such audit in a State, the chief executive officer of the State shall submit a copy of such audit to any eligible entity that was the subject of the audit at no charge, to the legislature of the State, and to the Secretary.

"(3) REPAYMENTS.—The State shall repay to the United States amounts found not to have been expended in accordance with this subtitle or the Secretary may offset such amounts against any other amount to which the State is or may become entitled under this subtitle.

"(b) WITHHOLDING.—

"(1) IN GENERAL.—The Secretary shall, after providing adequate notice and an opportunity for a hearing conducted within the affected State, withhold funds from any State that does not utilize the State allotment substantially in accordance with the provisions of this subtitle, including the assurances such State provided under section 676.

"(2) RESPONSE TO COMPLAINTS.—The Secretary shall respond in an expeditious and speedy manner to complaints of a substantial or serious nature that a State has failed to use funds in accordance with the provisions of this subtitle, including the assurances provided by the State under section 676. For purposes of this paragraph, a complaint of a failure to meet any 1 of the assurances provided under section 676 that constitutes disregarding that assurance shall be considered to be a complaint of a serious nature.

"(3) INVESTIGATIONS.—Whenever the Secretary determines that there is a pattern of complaints of failures described in paragraph (2) from any State in any fiscal year, the Secretary shall conduct an investigation of the use of funds received under this subtitle by such State in order to ensure compliance with the provisions of this subtitle.

"SEC. 678E. ACCOUNTABILITY AND REPORTING REQUIREMENTS.

"(a) STATE ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

"(1) PERFORMANCE MEASUREMENT.—

"(A) IN GENERAL.—By October 1, 2001, each State that receives funds under this subtitle shall participate, and shall ensure that all eligible entities in the State participate, in a performance measurement system, which may be a performance measurement system established by the Secretary pursuant to subsection (b), or an alternative system that meets the requirements of subsection (b).

"(B) LOCAL AGENCIES.—The State may elect to have local agencies who are subcontractors of the eligible entities under this subtitle participate in the performance measurement system. If the State makes that election, references in this section to eligible entities shall be considered to include the local agencies.

"(2) ANNUAL REPORT.—Each State shall annually prepare and submit to the Secretary a report on the measured performance of the State and the eligible entities in the State. Each State shall also include in the report an accounting of the expenditure of funds received by the State through the community services block grant program, including an accounting of funds spent on indirect services or administrative costs by the State and the eligible entities, and funds spent by eligible entities on the direct delivery of local services, and shall include information on the number of and characteristics of clients served under this subtitle in the State, based on data collected from the eligible entities. The State shall also include in the report a summary describing the training and technical assistance offered by the State under section 678C(a)(3) during the year covered by the report.

"(b) SECRETARY'S ACCOUNTABILITY AND REPORTING REQUIREMENTS.—

"(1) PERFORMANCE MEASUREMENT.—The Secretary, in collaboration with the States and with eligible entities throughout the Nation, shall facilitate the development of 1 or more model performance measurement systems, which may be used by the States and by eligible entities to measure their performance in carrying out the requirements of this subtitle and in achieving the goals of their community action plans. The Secretary shall provide technical assistance, including support for the enhancement of electronic data systems, to States and to eligible entities to enhance their capability to collect and report data for such a system and to aid in their participation in such a system.

"(2) REPORTING REQUIREMENTS.—At the end of each fiscal year beginning after September 30, 1999, the Secretary shall, directly or by grant or contract, prepare a report containing—

"(A) a summary of the planned use of funds by each State, and the eligible entities in the State, under the community services block grant program, as contained in each State plan submitted pursuant to section 676;

"(B) a description of how funds were actually spent by the State and eligible entities in the State, including a breakdown of funds spent on indirect services or administrative costs and on the direct delivery of local services by eligible entities;

"(C) information on the number of entities eligible for funds under this subtitle, the number of low-income persons served under this subtitle, and such demographic data on the low-income populations served by eligible entities as is determined by the Secretary to be feasible;

"(D) a comparison of the planned uses of funds for each State and the actual uses of the funds;

"(E) a summary of each State's performance results, and the results for the eligible

entities, as collected and submitted by the States in accordance with subsection (a)(2); and

"(F) any additional information that the Secretary considers to be appropriate to carry out this subtitle, if the Secretary informs the States of the need for such additional information and allows a reasonable period of time prior to the start of the fiscal year for the States to collect and provide the information.

"(3) SUBMISSION.—The Secretary shall 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 the report described in paragraph (2), and any comments the Secretary may have with respect to such report. The report shall include definitions of direct, indirect, and administrative costs used by the Department of Health and Human Services for programs funded under this subtitle.

"(4) COSTS.—Of the funds reserved under section 674(b)(3), not more than $350,000 shall be available to carry out the reporting requirements contained in paragraph (2).

"SEC. 678F. LIMITATIONS ON USE OF FUNDS.

"(a) CONSTRUCTION OF FACILITIES.—

"(1) LIMITATIONS.—Except as provided in paragraph (2), grants made under this subtitle (other than amounts reserved under section 674(b)(3)) may not be used by the State, or by any other person with which the State makes arrangements to carry out the purposes of this subtitle, for the purchase or improvement of land, or the purchase, construction, or permanent improvement (other than low-cost residential weatherization or other energy-related home repairs) of any building or other facility.

"(2) WAIVER.—The Secretary may waive the limitation contained in paragraph (1) upon a State request for such a waiver, if the Secretary finds that the request describes extraordinary circumstances to justify the purchase of land or the construction of facilities (or the making of permanent improvements) and that permitting the waiver will contribute to the ability of the State to carry out the purposes of this subtitle.

"(b) POLITICAL ACTIVITIES.—

"(1) TREATMENT AS A STATE OR LOCAL AGENCY.—For purposes of chapter 15 of title 5, United States Code, any entity that assumes responsibility for planning, developing, and coordinating activities under this subtitle and receives assistance under this subtitle shall be deemed to be a State or local agency. For purposes of paragraphs (1) and (2) of section 1502(a) of such title, any entity receiving assistance under this subtitle shall be deemed to be a State or local agency.

"(2) PROHIBITIONS.—Programs assisted under this subtitle shall not be carried on in a manner involving the use of program funds, the provision of services, or the employment or assignment of personnel, in a manner supporting or resulting in the identification of such programs with—

"(A) any partisan or nonpartisan political activity or any political activity associated with a candidate, or contending faction or group, in an election for public or party office;

"(B) any activity to provide voters or prospective voters with transportation to the polls or similar assistance in connection with any such election; or

"(C) any voter registration activity.

"(3) RULES AND REGULATIONS.—The Secretary, after consultation with the Office of Personnel Management, shall issue rules and regulations to provide for the enforcement of this subsection, which shall include provisions for summary suspension of assistance or other action necessary to permit enforcement on an emergency basis.

"(c) NONDISCRIMINATION.—

"(1) IN GENERAL.—No person shall, on the basis of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with funds made available under this subtitle. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified individual with a disability as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) or title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.) shall also apply to any such program or activity.

"(2) ACTION OF SECRETARY.—Whenever the Secretary determines that a State that has received a payment under this subtitle has failed to comply with paragraph (1) or an applicable regulation, the Secretary shall notify the chief executive officer of the State and shall request that the officer secure compliance. If within a reasonable period of time, not to exceed 60 days, the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to—

"(A) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

"(B) exercise the powers and functions provided by title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), as may be applicable; or

"(C) take such other action as may be provided by law.

"(3) ACTION OF ATTORNEY GENERAL.—When a matter is referred to the Attorney General pursuant to paragraph (2), or whenever the Attorney General has reason to believe that the State is engaged in a pattern or practice of discrimination in violation of the provisions of this subsection, the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

"SEC. 679. OPERATIONAL RULE.

"(a) FAITH-BASED ORGANIZATIONS INCLUDED AS NONGOVERNMENTAL PROVIDERS.—For any program carried out by the Federal Government, or by a State or local government under this subtitle, the government shall consider, on the same basis as other nongovernmental organizations, faith-based organizations to provide the assistance under the program, so long as the program is implemented in a manner consistent with the Establishment Clause of the first amendment to the Constitution. Neither the Federal Government nor a State or local government receiving funds under this subtitle shall discriminate against an organization that provides assistance under, or applies to provide assistance under, this subtitle, on the basis that the organization has a faith-based character.

"(b) ADDITIONAL SAFEGUARDS.—Neither the Federal Government nor a State or local government shall require a faith-based organization to remove religious art, icons, scripture, or other symbols in order to be eligible to provide assistance under a program described in subsection (a).

"(c) LIMITATIONS ON USE OF FUNDS FOR CERTAIN PURPOSES.—No funds provided to a faith-based organization to provide assistance under any program described in subsection (a) shall be expended for sectarian worship, instruction, or proselytization.

"(d) FISCAL ACCOUNTABILITY.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any faith-based organization providing assistance under any program described in subsection (a) shall be subject to the same regulations as other nongovernmental organizations to account in accord with generally accepted accounting principles for the use of such funds provided under such program.

"(2) LIMITED AUDIT.—Such organization shall segregate government funds provided under such program into a separate account. Only the government funds shall be subject to audit by the government.

"SEC. 680. DISCRETIONARY AUTHORITY OF THE SECRETARY.

"(a) GRANTS, CONTRACTS, ARRANGEMENTS, LOANS, AND GUARANTEES.—

"(1) IN GENERAL.—The Secretary shall, from funds reserved under section 674(b)(3), make grants, loans, or guarantees to States and public agencies and private, nonprofit organizations, or enter into contracts or jointly financed cooperative arrangements with States and public agencies and private, nonprofit organizations (and for-profit organizations, to the extent specified in (2)(E)) for each of the objectives described in paragraphs (2) through (4).

"(2) COMMUNITY ECONOMIC DEVELOPMENT.—

"(A) ECONOMIC DEVELOPMENT ACTIVITIES.—The Secretary shall make grants described in paragraph (1) on a competitive basis to private, non-profit organizations that are community development corporations to provide technical and financial assistance for economic development activities designed to address the economic needs of low-income individuals and families by creating employment and business development opportunities.

"(B) CONSULTATION.—The Secretary shall exercise the authority provided under subparagraph (A) after consultation with other relevant Federal officials.

"(C) GOVERNING BOARDS.—For a community development corporation to receive funds to carry out this paragraph, the corporation shall be governed by a board that shall consist of residents of the community and business and civic leaders and shall have as a principal purpose planning, developing, or managing low-income housing or community development projects.

"(D) GEOGRAPHIC DISTRIBUTION.—In making grants to carry out this paragraph, the Secretary shall take into consideration the geographic distribution of funding among States and the relative proportion of funding among rural and urban areas.

"(E) RESERVATION.—Of the amounts made available to carry out this paragraph, the Secretary may reserve not more than 1 percent for each fiscal year to make grants to private, nonprofit organizations or to enter into contracts with private, nonprofit or for-profit organizations to provide technical assistance to aid community development corporations in developing or implementing activities funded to carry out this paragraph and to evaluate activities funded to carry out this paragraph.

"(3) RURAL COMMUNITY DEVELOPMENT ACTIVITIES.—The Secretary shall provide the assistance described in paragraph (1) for rural community development activities, which shall include—

"(A) grants to private, nonprofit corporations that provide assistance concerning home repair to rural low-income families

and planning and developing low-income rural rental housing units; and

"(B) grants to multistate, regional, private, nonprofit organizations to provide training and technical assistance to small, rural communities in meeting their community facility needs.

"(4) NEIGHBORHOOD INNOVATION PROJECTS.—The Secretary shall provide the assistance described in paragraph (1) for neighborhood innovation projects, which shall include grants to neighborhood-based private, nonprofit organizations to test or assist in the development of new approaches or methods that will aid in overcoming special problems identified by communities or neighborhoods or otherwise assist in furthering the purposes of this subtitle, and which may include projects that are designed to serve low-income individuals and families who are not being effectively served by other programs.

"(b) EVALUATION.—The Secretary shall require all activities receiving assistance under this section to be evaluated for their effectiveness. Funding for such evaluations shall be provided as a stated percentage of the assistance or through a separate grant awarded by the Secretary specifically for the purpose of evaluation of a particular activity or group of activities.

"(c) ANNUAL REPORT.—The Secretary shall compile an annual report containing a summary of the evaluations required in subsection (b) and a listing of all activities assisted under this section. The Secretary shall annually submit the report to the Chairperson of the Committee on Education and the Workforce of the House of Representatives and the Chairperson of the Committee on Labor and Human Resources of the Senate.".

SEC. 203. RELATED AMENDMENTS.

The Community Services Block Grant Act (42 U.S.C. 9901 et seq.) is amended—

(1) by striking section 681;

(2) in section 681A—

(A) by striking "681A" and inserting "681";

(B) in subsection (c) by striking "Labor" and inserting "the Workforce"; and

(C) in subsection (d) by striking "$25,000,000" and all that follows through "1998", and inserting "$5,000,000 for fiscal year 1999, and such sums as may be necessary for fiscal years 2000 through 2003";

(3) in section 682—

(A) in subsection (c)—

(i) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(ii) by inserting after paragraph (2) the following:

"(3) the applicant shall, in each community in which a program is funded under this section—

"(A) ensure that—

"(i) a community-based advisory committee, composed of representatives of local youth, family, and social service organizations, schools, entities that provide park and recreation services, entities that provide training services, and community-based organizations that serve high-risk youth, is established; or

"(ii) an existing community-based advisory board, commission, or committee with similar membership is used; and

"(B) enter into formal partnerships with youth-serving organizations or other appropriate social service entities in order to link program participants with year-round services in their home communities that support and continue the objectives of this subtitle;"; and

(B) in subsection (f) by striking "each fiscal year" and all that follows through "1998", and inserting "for fiscal year 1999, and such sums as may be necessary for fiscal years 2000 through 2003"; and

(4) by striking sections 683 and 684, and inserting the following:

"SEC. 683. DRUG TESTING AND PATERNITY DETERMINATIONS.

"(a) DRUG TESTING PERMITTED.—(1) Nothing in this subtitle shall be construed to prohibit a State from testing participants in programs, activities, or services carried out under this subtitle for controlled substances or from imposing sanctions on such participants who test positive for any of such substances.

"(2) Any funds provided under this subtitle expended for such testing shall be considered to be expended for administrative expenses and shall be subject to the limitation specified in section 675C(b)(2).

"(b) PATERNITY DETERMINATIONS.—During each fiscal year for which an eligible entity receives a grant under section 675C, such entity shall—

"(1) inform custodial parents in single-parent families that participate in programs, activities, or services carried out under this subtitle about the availability of child support services;

"(2) refer eligible parents to the child support offices of State and local governments; and

"(3) establish referral arrangements with such offices.

"SEC. 684. REFERENCES.

"Any reference in any provision of law to the poverty line set forth in section 624 or 625 of the Economic Opportunity Act of 1964 shall be construed to be a reference to the poverty line defined in section 673 of this subtitle. Any reference in any provision of law to any community action agency designated under title II of the Economic Opportunity Act of 1964 shall be construed to be a reference to an entity eligible to receive funds under the community services block grant program.".

SEC. 204. ASSETS FOR INDEPENDENCE.

The Community Services Block Grant Act (42 U.S.C. 9901–9912), as amended by sections 202 and 203, is amended—

(1) by striking "this subtitle' each place it appears (other than in section 671) and inserting "this part", and

(2) by inserting the following after section 671:

"CHAPTER 1—COMMUNITY SERVICES GRANTS",

and

(3) by adding at the end the following:

"CHAPTER 2—ASSETS FOR INDEPENDENCE

"SEC. 685. SHORT TITLE.

"This chapter may be cited as the 'Assets for Independence Act'.

"SEC. 686. FINDINGS.

"Congress makes the following findings:

"(1) Economic well-being does not come solely from income, spending, and consumption, but also requires savings, investment, and accumulation of assets because assets can improve economic independence and stability, connect individuals with a viable and hopeful future, stimulate development of human and other capital, and enhance the welfare of offspring.

"(2) Fully ½ of all Americans have either no, negligible, or negative assets available for investment, just as the price of entry to the economic mainstream, the cost of a house, an adequate education, and starting a business, is increasing. Further, the household savings rate of the United States lags far behind other industrial nations presenting a barrier to economic growth.

"(3) In the current tight fiscal environment, the United States should invest existing resources in high-yield initiatives. There is reason to believe that the financial returns, including increased income, tax revenue, and decreased welfare cash assistance, resulting from individual development accounts will far exceed the cost of investment in those accounts.

"(4) Traditional public assistance programs concentrating on income and consumption have rarely been successful in promoting and supporting the transition to increased economic self-sufficiency. Income-based domestic policy should be complemented with asset-based policy because, while income-based policies ensure that consumption needs (including food, child care, rent, clothing, and health care) are met, asset-based policies provide the means to achieve greater independence and economic well-being.

"SEC. 687. PURPOSES.

"The purposes of this chapter are to provide for the establishment of demonstration projects designed to determine—

"(1) the social, civic, psychological, and economic effects of providing to individuals and families with limited means an incentive to accumulate assets by saving a portion of their earned income;

"(2) the extent to which an asset-based policy that promotes saving for postsecondary education, homeownership, and microenterprise development may be used to enable individuals and families with limited means to increase their economic self-sufficiency; and

"(3) the extent to which an asset-based policy stabilizes and improves families and the community in which they live.

"SEC. 688. DEFINITIONS.

"In this chapter:

"(1) APPLICABLE PERIOD.—The term 'applicable period' means, with respect to amounts to be paid from a grant made for a project year, the calendar year immediately preceding the calendar year in which the grant is made.

"(2) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is selected to participate by a qualified entity under section 693.

"(3) EMERGENCY WITHDRAWAL.—The term 'emergency withdrawal' means a withdrawal by an eligible individual that—

"(A) is a withdrawal of only those funds, or a portion of those funds, deposited by the individual in the individual development account of the individual;

"(B) is permitted by a qualified entity on a case-by-case basis; and

"(C) is made for—

"(i) expenses for medical care or necessary to obtain medical care, for the individual or a spouse or dependent of the individual described in paragraph (8)(D);

"(ii) payments necessary to prevent the eviction of the individual from the residence of the individual, or foreclosure on the mortgage for the principal residence of the individual, as defined in paragraph (8)(B); or

"(iii) payments necessary to enable the individual to meet necessary living expenses following loss of employment.

"(4) HOUSEHOLD.—The term 'household' means all individuals who share use of a dwelling unit as primary quarters for living and eating separate from other individuals.

"(5) INDIVIDUAL DEVELOPMENT ACCOUNT.—

"(A) IN GENERAL.—The term 'individual development account' means a trust created or

organized in the United States exclusively for the purpose of paying the qualified expenses of an eligible individual, or enabling the eligible individual to make an emergency withdrawal, but only if the written governing instrument creating the trust meets the following requirements:

"(i) No contribution will be accepted unless it is in cash or by check.

"(ii) The trustee is a federally insured financial institution, or a State insured financial institution if no federally insured financial institution is available.

"(iii) The assets of the trust will be invested in accordance with the direction of the eligible individual after consultation with the qualified entity providing deposits for the individual under section 694.

"(iv) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(v) Except as provided in clause (vi), any amount in the trust which is attributable to a deposit provided under section 694 may be paid or distributed out of the trust only for the purpose of paying the qualified expenses of the eligible individual, or enabling the eligible individual to make an emergency withdrawal.

"(vi) Any balance in the trust on the day after the date on which the individual for whose benefit the trust is established dies shall be distributed within 30 days of that date as directed by that individual to another individual development account established for the benefit of an eligible individual.

"(B) CUSTODIAL ACCOUNTS.—For purposes of subparagraph (A), a custodial account shall be treated as a trust if the assets of the custodial account are held by a bank (as defined in section 408(n) of the Internal Revenue Code of 1986) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which such person will administer the custodial account will be consistent with the requirements of this chapter, and if the custodial account would, except for the fact that it is not a trust, constitute an individual development account described in subparagraph (A). For purposes of this chapter, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of that custodial account shall be treated as the trustee thereof.

"(6) PROJECT YEAR.—The term 'project year' means, with respect to a demonstration project, any of the 5 consecutive 12-month periods beginning on the date the project is originally authorized to be conducted.

"(7) QUALIFIED ENTITY.—

"(A) IN GENERAL.—The term 'qualified entity' means—

"(i) one or more not-for-profit organizations described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code; or

"(ii) a State or local government agency, or a tribal government, submitting an application under section 689 jointly with an organization described in clause (i).

"(B) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing an organization described in subparagraph (A)(i) from collaborating with a financial institution or for-profit community development corporation to carry out the purposes of this chapter.

"(8) QUALIFIED EXPENSES.—The term 'qualified expenses' means 1 or more of the following, as provided by the qualified entity:

"(A) POSTSECONDARY EDUCATIONAL EXPENSES.—Postsecondary educational expenses paid from an individual development account directly to an eligible educational institution. In this subparagraph:

"(i) POSTSECONDARY EDUCATIONAL EXPENSES.—The term 'postsecondary educational expenses' means the following:

"(I) TUITION AND FEES.—Tuition and fees required for the enrollment or attendance of a student at an eligible educational institution.

"(II) FEES, BOOKS, SUPPLIES, AND EQUIPMENT.—Fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution.

"(ii) ELIGIBLE EDUCATIONAL INSTITUTION.—The term "eligible educational institution' means the following:

"(I) INSTITUTION OF HIGHER EDUCATION.—An institution described in section 481(a)(1) or 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(1) or 1141(a)), as such sections are in effect on the date of enactment of this chapter.

"(II) POSTSECONDARY VOCATIONAL EDUCATION SCHOOL.—An area vocational education school (as defined in subparagraph (C) or (D) of section 521(4) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2471(4))) which is in any State (as defined in section 521(33) of such Act), as such sections are in effect on the date of enactment of this chapter.

"(B) FIRST-HOME PURCHASE.—Qualified acquisition costs with respect to a principal residence for a qualified first-time homebuyer, if paid from an individual development account directly to the persons to whom the amounts are due. In this subparagraph:

"(i) PRINCIPAL RESIDENCE.—The term 'principal residence' means a principal residence, the qualified acquisition costs of which do not exceed 100 percent of the average area purchase price applicable to such residence.

"(ii) QUALIFIED ACQUISITION COSTS.—The term 'qualified acquisition costs' means the costs of acquiring, constructing, or reconstructing a residence. The term includes any usual or reasonable settlement, financing, or other closing costs.

"(iii) QUALIFIED FIRST-TIME HOMEBUYER.—

"(I) IN GENERAL.—The term 'qualified first-time homebuyer' means an individual participating in the project (and, if married, the individual's spouse) who has no present ownership interest in a principal residence during the 3-year period ending on the date of acquisition of the principal residence to which this subparagraph applies.

"(II) DATE OF ACQUISITION.—The term 'date of acquisition' means the date on which a binding contract to acquire, construct, or reconstruct the principal residence to which this subparagraph applies is entered into.

"(C) BUSINESS CAPITALIZATION.—Amounts paid from an individual development account directly to a business capitalization account which is established in a federally insured financial institution (or in a State insured financial institution if no federally insured financial institution is available) and is restricted to use solely for qualified business capitalization expenses. In this subparagraph:

"(i) QUALIFIED BUSINESS CAPITALIZATION EXPENSES.—The term "qualified business capitalization expenses' means qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.

"(ii) QUALIFIED EXPENDITURES.—The term 'qualified expenditures' means expenditures included in a qualified plan, including capital, plant, equipment, working capital, and inventory expenses.

"(iii) QUALIFIED BUSINESS.—The term 'qualified business' means any business that does not contravene any law or public policy (as determined by the Secretary).

"(iv) QUALIFIED PLAN.—The term 'qualified plan' means a business plan, or a plan to use a business asset purchased, which—

"(I) is approved by a financial institution, a microenterprise development organization, or a nonprofit loan fund having demonstrated fiduciary integrity;

"(II) includes a description of services or goods to be sold, a marketing plan, and projected financial statements; and

"(III) may require the eligible individual to obtain the assistance of an experienced entrepreneurial adviser.

"(D) TRANSFERS TO IDAS OF FAMILY MEMBERS.—Amounts paid from an individual development account directly into another such account established for the benefit of an eligible individual who is—

"(i) the individual's spouse; or

"(ii) any dependent of the individual with respect to whom the individual is allowed a deduction under section 151 of the Internal Revenue Code of 1986.

"(9) QUALIFIED SAVINGS OF THE INDIVIDUAL FOR THE PERIOD.—The term 'qualified savings of the individual for the period' means the aggregate of the amounts contributed by the individual to the individual development account of the individual during the period.

"(10) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(11) TRIBAL GOVERNMENT.—The term 'tribal government' means a tribal organization, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) or a Native Hawaiian organization, as defined in section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912).

"SEC. 689. APPLICATIONS.

"(a) ANNOUNCEMENT OF DEMONSTRATION PROJECTS.—Not later than 3 months after the date of enactment of this chapter, the Secretary shall publicly announce the availability of funding under this chapter for demonstration projects and shall ensure that applications to conduct the demonstration projects are widely available to qualified entities.

"(b) SUBMISSION.—Not later than 6 months after the date of enactment of this chapter, a qualified entity may submit to the Secretary an application to conduct a demonstration project under this chapter.

"(c) CRITERIA.—In considering whether to approve an application to conduct a demonstration project under this chapter, the Secretary shall assess the following:

"(1) SUFFICIENCY OF PROJECT.—The degree to which the project described in the application appears likely to aid project participants in achieving economic self-sufficiency through activities requiring qualified expenses. In making such assessment, the Secretary shall consider the overall quality of project activities in making any particular kind or combination of qualified expenses to be an essential feature of any project.

"(2) ADMINISTRATIVE ABILITY.—The experience and ability of the applicant to responsibly administer the project.

"(3) ABILITY TO ASSIST PARTICIPANTS.—The experience and ability of the applicant in recruiting, educating, and assisting project participants to increase their economic independence and general well-being through the development of assets.

"(4) COMMITMENT OF NON-FEDERAL FUNDS.—The aggregate amount of direct funds from

non-Federal public sector and from private sources that are formally committed to the project as matching contributions.

"(5) ADEQUACY OF PLAN FOR PROVIDING INFORMATION FOR EVALUATION.—The adequacy of the plan for providing information relevant to an evaluation of the project.

"(6) OTHER FACTORS.—Such other factors relevant to the purposes of this chapter as the Secretary may specify.

"(d) PREFERENCES.—In considering an application to conduct a demonstration project under this chapter, the Secretary shall give preference to an application that—

"(1) demonstrates the willingness and ability to select individuals described in section 692 who are predominantly from households in which a child (or children) is living with the child's biological or adoptive mother or father, or with the child's legal guardian;

"(2) provides a commitment of non-Federal funds with a proportionately greater amount of such funds committed by private sector sources; and

"(3) targets such individuals residing within 1 or more relatively well-defined neighborhoods or communities (including rural communities) that experience high rates of poverty or unemployment.

"(e) APPROVAL.—Not later than 9 months after the date of enactment of this chapter, the Secretary shall, on a competitive basis, approve such applications to conduct demonstration projects under this chapter as the Secretary deems appropriate, taking into account the assessments required by subsections (c) and (d). The Secretary is encouraged to ensure that the applications that are approved involve a range of communities (both rural and urban) and diverse populations.

"(f) CONTRACTS WITH NONPROFIT ENTITIES.—The Secretary may contract with an entity described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code to conduct any responsibility of the Secretary under this section or section 696 if—

"(1) such entity demonstrates the ability to conduct such responsibility; and

"(2) the Secretary can demonstrate that such responsibility would not be conducted by the Secretary at a lower cost.

"SEC. 690. DEMONSTRATION AUTHORITY; ANNUAL GRANTS.

"(a) DEMONSTRATION AUTHORITY.—If the Secretary approves an application to conduct a demonstration project under this chapter, the Secretary shall, not later than 10 months after the date of enactment of this chapter, authorize the applicant to conduct the project for 5 project years in accordance with the approved application and the requirements of this chapter.

"(b) GRANT AUTHORITY.—For each project year of a demonstration project conducted under this chapter, the Secretary may make a grant to the qualified entity authorized to conduct the project. In making such a grant, the Secretary shall make the grant on the first day of the project year in an amount not to exceed the lesser of—

"(1) the aggregate amount of funds committed as matching contributions by non-Federal public or private sector sources; or

"(2) $1,000,000.

"SEC. 691. RESERVE FUND.

"(a) ESTABLISHMENT.—A qualified entity under this chapter, other than a State or local government agency, or a tribal government, shall establish a Reserve Fund which shall be maintained in accordance with this section.

"(b) AMOUNTS IN RESERVE FUND.—

"(1) IN GENERAL.—As soon after receipt as is practicable, a qualified entity shall deposit in the Reserve Fund established under subsection (a)—

"(A) all funds provided to the qualified entity by any public or private source in connection with the demonstration project; and

"(B) the proceeds from any investment made under subsection (c)(2).

"(2) UNIFORM ACCOUNTING REGULATIONS.—The Secretary shall prescribe regulations with respect to accounting for amounts in the Reserve Fund established under subsection (a).

"(c) USE OF AMOUNTS IN THE RESERVE FUND.—

"(1) IN GENERAL.—A qualified entity shall use the amounts in the Reserve Fund established under subsection (a) to—

"(A) assist participants in the demonstration project in obtaining the skills (including economic literacy, budgeting, credit, and counseling) and information necessary to achieve economic self-sufficiency through activities requiring qualified expenses;

"(B) provide deposits in accordance with section 694 for individuals selected by the qualified entity to participate in the demonstration project;

"(C) administer the demonstration project; and

"(D) provide the research organization evaluating the demonstration project under section 698 with such information with respect to the demonstration project as may be required for the evaluation.

"(2) AUTHORITY TO INVEST FUNDS.—

"(A) GUIDELINES.—The Secretary shall establish guidelines for investing amounts in the Reserve Fund established under subsection (a) in a manner that provides an appropriate balance between return, liquidity, and risk.

"(B) INVESTMENT.—A qualified entity shall invest the amounts in its Reserve Fund that are not immediately needed to carry out the provisions of paragraph (1), in accordance with the guidelines established under subparagraph (A).

"(3) LIMITATION ON USES.—Not more than 9.5 percent of the amounts provided to a qualified entity under section 698(b) shall be used by the qualified entity for the purposes described in subparagraphs (A), (C), and (D) of paragraph (1), of which not less than 2 percent of the amounts shall be used by the qualified entity for the purposes described in paragraph (1)(D). If 2 or more qualified entities are jointly administering a project, no qualified entity shall use more than its proportional share for the purposes described in subparagraphs (A), (C), and (D) of paragraph (1).

"(d) UNUSED FEDERAL GRANT FUNDS TRANSFERRED TO THE SECRETARY WHEN PROJECT TERMINATES.—Notwithstanding subsection (c), upon the termination of any demonstration project authorized under this section, the qualified entity conducting the project shall transfer to the Secretary an amount equal to—

"(1) the amounts in its Reserve Fund at time of the termination; multiplied by

"(2) a percentage equal to—

"(A) the aggregate amount of grants made to the qualified entity under section 698(b); divided by

"(B) the aggregate amount of all funds provided to the qualified entity by all sources to conduct the project.

"SEC. 692. ELIGIBILITY FOR PARTICIPATION.

"(a) IN GENERAL.—Any individual who is a member of a household that is eligible for assistance under the State temporary assistance for needy families program established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), or that meets each of the following requirements shall be eligible to participate in a demonstration project conducted under this chapter:

"(1) INCOME TEST.—The adjusted gross income of the household does not exceed the earned income amount described in section 32 of the Internal Revenue Code of 1986 (taking into account the size of the household).

"(2) NET WORTH TEST.—

"(A) IN GENERAL.—The net worth of the household, as of the end of the calendar year preceding the determination of eligibility, does not exceed $10,000.

"(B) DETERMINATION OF NET WORTH.—For purposes of subparagraph (A), the net worth of a household is the amount equal to—

"(i) the aggregate market value of all assets that are owned in whole or in part by any member of the household; minus

"(ii) the obligations or debts of any member of the household.

"(C) EXCLUSIONS.—For purposes of determining the net worth of a household, a household's assets shall not be considered to include the primary dwelling unit and 1 motor vehicle owned by the household.

"(b) INDIVIDUALS UNABLE TO COMPLETE THE PROJECT.—The Secretary shall establish such regulations as are necessary, including prohibiting future eligibility to participate in any other demonstration project conducted under this chapter, to ensure compliance with this chapter if an individual participating in the demonstration project moves from the community in which the project is conducted or is otherwise unable to continue participating in that project.

"SEC. 693. SELECTION OF INDIVIDUALS TO PARTICIPATE.

"From among the individuals eligible to participate in a demonstration project conducted under this chapter, each qualified entity shall select the individuals—

"(1) that the qualified entity deems to be best suited to participate; and

"(2) to whom the qualified entity will provide deposits in accordance with section 694.

"SEC. 694. DEPOSITS BY QUALIFIED ENTITIES.

"(a) IN GENERAL.—Not less than once every 3 months during each project year, each qualified entity under this Act shall deposit in the individual development account of each individual participating in the project, or into a parallel account maintained by the qualified entity—

"(1) from the non-Federal funds described in section 689(c)(4), a matching contribution of not less than $0.50 and not more than $4 for every $1 of earned income (as defined in section 911(d)(2) of the Internal Revenue Code of 1986) deposited in the account by a project participant during that period;

"(2) from the grant made under section 690(b), an amount equal to the matching contribution made under paragraph (1); and

"(3) any interest that has accrued on amounts deposited under paragraph (1) or (2) on behalf of that individual into the individual development account of the individual or into a parallel account maintained by the qualified entity.

"(b) LIMITATION ON DEPOSITS FOR AN INDIVIDUAL.—Not more than $2,000 from a grant made under section 690(b) shall be provided to any 1 individual over the course of the demonstration project.

"(c) LIMITATION ON DEPOSITS FOR A HOUSEHOLD.—Not more than $4,000 from a grant made under section 690(b) shall be provided to any 1 household over the course of the demonstration project.

"(d) WITHDRAWAL OF FUNDS.—The Secretary shall establish such guidelines as may be necessary to ensure that funds held in an individual development account are not withdrawn, except for 1 or more qualified expenses, or for an emergency withdrawal. Such guidelines shall include a requirement that a responsible official of the qualified entity conducting a project approve such withdrawal in writing. The guidelines shall provide that no individual may withdraw funds from an individual development account earlier than 6 months after the date on which the individual first deposits funds in the account.

"(e) REIMBURSEMENT.—An individual shall reimburse an individual development account for any funds withdrawn from the account for an emergency withdrawal, not later than 12 months after the date of the withdrawal. If the individual fails to make the reimbursement, the qualified entity administering the account shall transfer the funds deposited into the account or a parallel account under section 694 to the Reserve Fund of the qualified entity, and use the funds to benefit other individuals participating in the demonstration project involved.

"SEC. 695. LOCAL CONTROL OVER DEMONSTRATION PROJECTS.

"A qualified entity under this chapter, other than a State or local government agency or a tribal government, shall, subject to the provisions of section 697, have sole authority over the administration of the project. The Secretary may prescribe only such regulations or guidelines with respect to demonstration projects conducted under this chapter as are necessary to ensure compliance with the approved applications and the requirements of this chapter.

"SEC. 695A. GRANDFATHERING OF EXISTING STATEWIDE PROGRAMS.

"Any statewide asset-building program consistent with the purposes of this chapter that is established in State law as of the date of enactment of this Act, and that as of such date is operating with an annual State appropriation of not less than $1,000,000 in non-Federal funds, shall be deemed to have met the requirements of section 688 and to be eligible for consideration by the Secretary as a demonstration program described in this chapter. Applications submitted by such statewide program shall be considered for funding by the Secretary notwithstanding the preferences listed in section 689(d). Any program requirements under sections 691 through 695 that are inconsistent with State statutory requirements in effect on such date governing such statewide program are hereby waived.

"SEC. 696. ANNUAL PROGRESS REPORTS.

"(a) IN GENERAL.—Each qualified entity under this chapter shall prepare an annual report on the progress of the demonstration project. Each report shall include both program and participant information and shall specify for the period covered by the report the following information:

"(1) The number and characteristics of individuals making a deposit into an individual development account.

"(2) The amounts in the Reserve Fund established with respect to the project.

"(3) The amounts deposited in the individual development accounts.

"(4) The amounts withdrawn from the individual development accounts and the purposes for which such amounts were withdrawn.

"(5) The balances remaining in the individual development accounts.

"(6) The savings account characteristics (such as threshold amounts and match rates) required to stimulate participation in the demonstration project, and how such characteristics vary among different populations or communities.

"(7) What service configurations of the qualified entity (such as peer support, structured planning exercises, mentoring, and case management) increased the rate and consistency of participation in the demonstration project and how such configurations varied among different populations or communities.

"(8) Such other information as the Secretary may require to evaluate the demonstration project.

"(b) SUBMISSION OF REPORTS.—The qualified entity shall submit each report required to be prepared under subsection (a) to—

"(1) the Secretary; and

"(2) the Treasurer (or equivalent official) of the State in which the project is conducted, if the State or a local government or a tribal government committed funds to the demonstration project.

"(c) TIMING.—The first report required by subsection (a) shall be submitted not later than 60 days after the end of the calendar year in which the Secretary authorized the qualified entity to conduct the demonstration project, and subsequent reports shall be submitted every 12 months thereafter, until the conclusion of the project.

"SEC. 697. SANCTIONS.

"(a) AUTHORITY TO TERMINATE DEMONSTRATION PROJECT.—If the Secretary determines that a qualified entity under this chapter is not operating the demonstration project in accordance with the entity's application or the requirements of this chapter (and has not implemented any corrective recommendations directed by the Secretary), the Secretary shall terminate such entity's authority to conduct the demonstration project.

"(b) ACTIONS REQUIRED UPON TERMINATION.—If the Secretary terminates the authority to conduct a demonstration project, the Secretary—

"(1) shall suspend the demonstration project;

"(2) shall take control of the Reserve Fund established pursuant to section 691;

"(3) shall make every effort to identify another qualified entity (or entities) willing and able to conduct the project in accordance with the approved application (or, as modified, if necessary to incorporate the recommendations) and the requirements of this chapter;

"(4) shall, if the Secretary identifies an entity (or entities) described in paragraph (3)—

"(A) authorize the entity (or entities) to conduct the project in accordance with the approved application (or, as modified, if necessary, to incorporate the recommendations) and the requirements of this chapter;

"(B) transfer to the entity (or entities) control over the Reserve Fund established pursuant to section 691; and

"(C) consider, for purposes of this chapter—

"(i) such other entity (or entities) to be the qualified entity (or entities) originally authorized to conduct the demonstration project; and

"(ii) the date of such authorization to be the date of the original authorization; and

"(5) if, by the end of the 1-year period beginning on the date of the termination, the Secretary has not found a qualified entity (or entities) described in paragraph (3), shall—

"(A) terminate the project; and

"(B) from the amount remaining in the Reserve Fund established as part of the project, remit to each source that provided funds under section 689(c)(4) to the entity originally authorized to conduct the project, an amount that bears the same ratio to the amount so remaining as the amount provided by the source under section 689(c)(4) bears to the amount provided by all such sources under that section.

"SEC. 698. EVALUATIONS.

"(a) IN GENERAL.—Not later than 10 months after the date of enactment of this chapter, the Secretary shall enter into a contract with an independent research organization to evaluate, individually and as a group, all qualified entities and sources participating in the demonstration projects conducted under this chapter.

"(b) FACTORS TO EVALUATE.—In evaluating any demonstration project conducted under this chapter, the research organization shall address the following factors:

"(1) The effects of incentives and organizational or institutional support on savings behavior in the demonstration project.

"(2) The savings rates of individuals in the demonstration project based on demographic characteristics including gender, age, family size, race or ethnic background, and income.

"(3) The economic, civic, psychological, and social effects of asset accumulation, and how such effects vary among different populations or communities.

"(4) The effects of individual development accounts on homeownership, level of postsecondary education attained, and self-employment, and how such effects vary among different populations or communities.

"(5) The potential financial returns to the Federal Government and to other public sector and private sector investors in individual development accounts over a 5-year and 10-year period of time.

"(6) The lessons to be learned from the demonstration projects conducted under this chapter and if a permanent program of individual development accounts should be established.

"(7) Such other factors as may be prescribed by the Secretary.

"(c) METHODOLOGICAL REQUIREMENTS.—In evaluating any demonstration project conducted under this chapter, the research organization shall—

"(1) for at least 1 site, use control groups to compare participants with nonparticipants;

"(2) before, during, and after the project, obtain such quantitative data as are necessary to evaluate the project thoroughly; and

"(3) develop a qualitative assessment, derived from sources such as in-depth interviews, of how asset accumulation affects individuals and families.

"(d) REPORTS BY THE SECRETARY.—

"(1) INTERIM REPORTS.—Not later than 90 days after the end of the calendar year in which the Secretary first authorizes a qualified entity to conduct a demonstration project under this chapter, and every 12 months thereafter until all demonstration projects conducted under this chapter are completed, the Secretary shall submit to Congress an interim report setting forth the results of the reports submitted pursuant to section 696(b).

"(2) FINAL REPORTS.—Not later than 12 months after the conclusion of all demonstration projects conducted under this chapter, the Secretary shall submit to Congress a final report setting forth the results

and findings of all reports and evaluations conducted pursuant to this chapter.

"(e) EVALUATION EXPENSES.—The Secretary shall expend such sums as may be necessary, but not less than 2 percent of the amount appropriated under section 699A for a fiscal year, to carry out the purposes of this section.

"SEC. 699. TREATMENT OF FUNDS.

"Of the funds deposited in individual development accounts for eligible individuals, only the funds deposited by the individuals (including interest accruing on those funds) may be considered to be income, assets, or resources of the individuals for purposes of determining eligibility for, or the amount of assistance furnished under, any Federal or federally assisted program based on need.

"SEC. 699A. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this chapter, $25,000,000 for each of fiscal years 1999, 2000, 2001, and 2002, to remain available until expended.".

SEC. 205. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this title shall not apply with respect to fiscal years ending before October 1, 1998.

TITLE III—AMENDMENTS TO THE LOW-INCOME HOME ENERGY ASSISTANCE ACT OF 1981

SEC. 301. SHORT TITLE.

This title may be cited as the "Low-Income Home Energy Assistance Amendments of 1998".

SEC. 302. AUTHORIZATION.

(a) IN GENERAL.—Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by inserting ", $1,100,000,000 for fiscal year 2000, and such sums as may be necessary for fiscal year 2001" after "1995 through 1999".

(b) PROGRAM YEAR.—Section 2602(c) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(c)) is amended to read as follows:

"(c) Amounts appropriated under this section in any fiscal year for programs and activities under this title shall be made available for obligation in the succeeding fiscal year.".

(c) INCENTIVE PROGRAM FOR LEVERAGING NON-FEDERAL RESOURCES.—Section 2602(d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(d)) is amended by striking "for each of the fiscal years 1996" and all that follows through the period at the end, and inserting "for each of the fiscal years 1999, 2000, and 2001.".

(d) TECHNICAL AMENDMENT.—Section 2602(e) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)) is amended by striking "subsection (g)" and inserting "subsection (e) of such section".

SEC. 303. DEFINITIONS.

Section 2603(4) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622(4)) is amended—

(1) by striking "the term" and inserting "The term"; and

(2) by striking the semicolon and inserting a period.

SEC. 304. NATURAL DISASTERS AND OTHER EMERGENCIES.

(a) DEFINITIONS.—Section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622) is amended—

(1) by redesignating paragraphs (6) through (9) as paragraphs (8) through (11), respectively;

(2) by inserting before paragraph (8) (as redesignated in paragraph (1)) the following:

"(7) NATURAL DISASTER.—The term 'natural disaster' means a weather event (relating to cold or hot weather), flood, earthquake, tornado, hurricane, or ice storm, or an event meeting such other criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate.";

(3) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively; and

(4) by inserting before paragraph (2) (as redesignated in paragraph (3)) the following:

"(1) EMERGENCY.—The term 'emergency' means—

"(A) a natural disaster;

"(B) a significant home energy supply shortage or disruption;

"(C) a significant increase in the cost of home energy, as determined by the Secretary;

"(D) a significant increase in home energy disconnections reported by a utility, a State regulatory agency, or another agency with necessary data;

"(E) a significant increase in participation in a public benefit program such as the food stamp program carried out under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), the national program to provide supplemental security income carried out under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), or the State temporary assistance for needy families program carried out under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), as determined by the head of the appropriate Federal agency;

"(F) a significant increase in unemployment, layoffs, or the number of households with an individual applying for unemployment benefits, as determined by the Secretary of Labor; or

"(G) an event meeting such criteria as the Secretary, in the discretion of the Secretary, may determine to be appropriate.".

(b) CONSIDERATIONS.—Section 2604(g) of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)) is amended by striking the last 2 sentences and inserting the following: "In determining whether to make such an allotment to a State, the Secretary shall take into account the extent to which the State was affected by the natural disaster or other emergency involved, the availability to the State of other resources under the program carried out under this title or any other program, whether a Member of Congress has requested that the State receive the allotment, and such other factors as the Secretary may find to be relevant. Not later than 30 days after making the determination, but prior to releasing an allotted amount to a State, the Secretary shall notify Congress of the allotments made pursuant to this subsection.".

SEC. 305. STATE ALLOTMENTS.

Section 2604 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623) is amended—

(1) in subsection (b)(1), by striking "the Northern Mariana Islands, and the Trust Territory of the Pacific Islands." and inserting "and the Commonwealth of the Northern Mariana Islands.";

(2) in subsection (c)(3)(B)(ii), by striking "application" and inserting "applications";

(3) by striking subsection (f);

(4) in the first sentence of subsection (g), by striking "(a) through (f)" and inserting "(a) through (d)"; and

(5) by redesignating subsection (g) as subsection (e).

SEC. 306. ADMINISTRATION.

Section 2605 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624) is amended—

(1) in subsection (b)—

(A) in paragraph (9)(A), by striking "and not transferred pursuant to section 2604(f) for use under another block grant";

(B) in paragraph (14), by striking "; and" and inserting a semicolon;

(C) in the matter following paragraph (14), by striking "The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection."; and

(D) in the matter following paragraph (16), by inserting before "The Secretary shall issue" the following: "The Secretary may not prescribe the manner in which the States will comply with the provisions of this subsection."; and

(2) in subsection (c)(1)—

(A) in subparagraph (B), by striking "States" and inserting "State"; and

(B) in subparagraph (G)(i), by striking "has" and inserting "had"; and

(3) in paragraphs (1) and (2)(A) of subsection (k) by inserting ", particularly those low-income households with the lowest incomes that pay a high proportion of household income for home energy" before the period.

SEC. 307. PAYMENTS TO STATES.

Section 2607(b)(2)(B) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626(b)(2)(B)) is amended—

(1) in the first sentence, by striking "and not transferred pursuant to section 2604(f)"; and

(2) in the second sentence, by striking "but not transferred by the State".

SEC. 308. RESIDENTIAL ENERGY ASSISTANCE CHALLENGE OPTION.

(a) EVALUATION.—The Comptroller General shall conduct an evaluation of the Residential Energy Assistance Challenge program described in section 2607B of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b).

(b) REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall prepare and submit to Congress a report containing—

(1) the findings resulting from the evaluation described in subsection (a); and

(2) the State evaluations described in paragraphs (1) and (2) of subsection (b) of such section 2607B.

(c) INCENTIVE GRANTS.—Section 2607B(b)(1) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b(b)(1)) is amended by striking "For each of the fiscal years 1996 through 1999" and inserting "For each fiscal year".

(d) TECHNICAL AMENDMENTS.—Section 2607B of Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8626b) is amended—

(1) in subsection (e)(2)—

(A) by redesignating subparagraphs (F) through (N) as subparagraphs (E) through (M), respectively; and

(B) in clause (i) of subparagraph (I) (as redesignated in subparagraph (A)), by striking "on" and inserting "of"; and

(2) by redesignating subsection (g) as subsection (f).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

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

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

Mr. Speaker, we are here to discuss very important legislation, namely Head Start. For 20 years I sat as a minority member in the Committee on Education and the Workforce, always cautioning my colleagues to think in terms of quality rather than in terms of quantity. But each year we would increase the number who participated and paid little attention to the quality of the program.

Of the first four studies that came out on Head Start, three of them indicated that there not only was not a Head Start but there was not even an even start. The fourth study was done in a college community where, as a matter of fact, there were some positive results, primarily because the college students became mentors to those children so that those children had someone, some adult, helping them to become reading ready and ready for school.

Now, there was so much hype around the program, as was chapter 1, that it was very, very difficult to get anyone to consider quality. It did not matter whether it was a Democrat administration or a Republican administration, no one paid any attention to quality. No one recompeted any of the programs. No one closed any of the programs.

So I take my hat off to the present Secretary. At least she has gotten in there. After we gave her legislation during the last reauthorization, which said we are going to deal with the issue of quality, she has closed and recompeted Head Start programs.

Why did it start so poorly? It was very obvious. First of all, the whole idea of numbers rather than quality meant that most of the money went to numbers. Very few early childhood teachers were available, no matter what price we were paying. Obviously, if we were going to pay $10,000, we were not going to attract qualified early childhood teachers.

So what happened to the program? The program became pretty much a baby-sitting and a child care program. And the lovely grandmothers and the lovely mothers that were in the classroom were lovely people with no idea whatsoever what it is we need to do to help children become reading ready, to help children become ready to go to school. Then, unfortunately, it became a job program. "Do not mess with us, this is our job program." In the meantime, children were denied the opportunity to succeed.

We passed, in the last reauthorization, not nearly as much quality as needed but at least we got to the business of saying that 25 percent of the money was going to go to quality and improved training programs. Many of those lovely mothers and grandmothers could have become very effective if they had only had some training. We insisted that we pay those who do have the ability to deal with early childhood education more than they were presently being paid.

And so we have seen progress. We must now build on that progress. We did not go as far to emphasize quality as I would have liked, although the gentleman from California (Mr. RIGGS) did what I asked him to do in the subcommittee. However, I am very satisfied with the end result: 65 percent for quality, 35 percent for increase in numbers, and 10 percent for local grantees to determine which they need most of all, quality or expansion.

And so it would be my hope that we move ahead now and insist that every early childhood program that we are involved in is a quality program. If we had different numbers as far as dropouts are concerned, if we had different numbers as far as 30 or 40 percent of children not being able to read at a fourth grade level then we could say, boy, that program was really effective; that really worked. We do not have those figures, unfortunately.

Now, of course, there were three amendments added in full committee, because I took a passive role. Those three, at another time, at another place, are very important. I am certainly the champion for regarding needed reforms to Davis-Bacon, because I saw as an educator how much Davis-Bacon was costing local districts. We had that debate. It was amazing when people would say we get better construction if we have Davis-Bacon. And I said, now, wait a minute, in my district the same people who worked a union project also are the same people who work a project that is not a union project. But that is not an issue now because, of course, Davis-Bacon in Head Start is a very minimal, minimal program.

Another area, paternity, of course, is extremely important in welfare reform, and that is where it is. And we are dealing in welfare reform with adults, or at least with parents that have produced children, and that is very, very important. However, in this legislation we are dealing with little children, preschool children, who did not have any say about being born, did not have any say as to what family to which they were born or anything about whether they had one loving parent, two loving parents or no loving parents. So, of course, this should not be an issue for this particular legislation.

So I would hope when we finish today that we have an overwhelming vote. But I do want to caution everyone in the House, if we do not have quality in the program by the time we are finished in conference, then I will work just as hard to defeat the conference report as I will work today to try to pass the legislation, which is good legislation.

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

Mr. MARTINEZ. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of the House substitute, S. 2206, the Human Services Reauthorization Act of 1998.

This bill reauthorizes three programs which we are very interested in that provide assistance to the neediest Americans; Head Start, the Low-Income Home Energy Assistance Program, and the Community Services Block Grants.

In bringing forth this legislation, I want to commend the gentleman from Pennsylvania (Mr. GOODLING), who has reaffirmed the bipartisan nature of these initiatives and has demonstrated a commitment to fashioning a compromise bill that will ensure the integrity and quality of these programs for years to come.

For more than 3 decades, Head Start has provided comprehensive social, health and educational services designed to promote strong, supportive families and provide disadvantaged people with strong foundations for a lifetime of learning.

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Nowhere is the success of Head Start more evident than in the strong praise from the thousands whose lives the program has touched. In 1994, we undertook the most ambitious reauthorization of Head Start to that date. Begging to differ just a little with the chairman, I believe we initiated a quality improvement process that would ultimately result in a comprehensive set of performance standards and local performance measures. I am proud of that effort and the direction that it established for the future of Head Start. That is why earlier this year I introduced H.R. 3880 which simply calls for changes that build upon this investment in quality through stronger linkages between the Head Start program and schools and increasing our investment in early Head Start. I am pleased to say that the proposals in my legislation are in the bill before us today.

One issue to which I am fully committed is continued growth of the early Head Start program. I truly believe that given the preponderance of research on early childhood development that we should incorporate our youngest children from birth to age 3 into Head Start. I also believe that with the investments in quality that began in 1994, it is time that we make a concerted effort to expand Head Start to the 60 percent of eligible children that are not currently served. We have been hearing pledges for years to fully fund Head Start and we should ensure that with this authorization bill that such growth is possible. I am pleased to say with the leadership of the chairman we

are able to return to the nonpartisan history of Head Start and take necessary steps to ensure the program's future.

In our zest to tout the gains made possible with Head Start, we should not overlook LIHEAP and CSBG. LIHEAP helps low-income Americans meet the cost of home energy, particularly in times of extreme weather, natural disasters, and other emergencies. Four to five million households receive assistance annually. Nearly half are families with children under 18, while the remaining beneficiaries consist of older Americans and disabled individuals. Seventy percent of these households have incomes below $8,000 per year. In the midst of the heat wave that hit the South this summer, killing hundreds of Americans in its wake, the President released a total of $150 million in emergency funds to 11 States. This assistance enabled low-income families and individuals to meet the cost of cooling their homes and purchase fans and air conditioners. Sadly it is often those who lack the health and strength to cope with extreme weather who also cannot afford even the most basic modern conveniences to moderate the temperature. But LIHEAP is not just about heating and cooling. This program provides a variety of home energy assistance so that an elderly couple in Arizona can cook their evening meal and a family in the Bronx can light up the kitchen so the kids can finish their homework.

Although many of us stand firm in our dedication to a longer reauthorization of LIHEAP and we will work in conference to incorporate the Senate's 5-year reauthorization, the House bill reaffirms our commitment to this important program by making only minor programmatic changes.

The third program addressed by this legislation is the Community Services Block Grant, CSBG. CSBG supports the efforts of the Community Action Network in addressing the causes of poverty and providing a wide array of assistance to Americans in need. Services that have been traditionally provided include education, job training and placement, housing, nutrition, emergency services, and health.

The measure before us today authorizes new activities, including literacy services, mirroring the language I included in H.R. 3880, and after-school programs. In addition, this legislation provides for additional accountability and monitoring which can only serve to strengthen CSBG.

Once again I thank the chairman for his leadership in bringing what is now a strong bipartisan bill to the floor and I look forward to working with him and other Members to resolve our differences with the Senate in conference.

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

Mr. GOODLING. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER), a valuable member of the committee.

Mr. SOUDER. Mr. Speaker, I thank the gentleman for yielding time and I thank him for his leadership as well as the gentleman from California (Mr. RIGGS) the chairman of the subcommittee and the gentleman from California (Mr. MARTINEZ) the ranking minority member.

This bill represents months of work to find ways to expand the positive impact of limited dollars on people's lives who participate in these programs.

Head Start was originally founded under the Johnson administration when Sargent Shriver said we should give these kids a head start in education. Many of us who have been supportive of Head Start in the past and have worked with this program have been concerned that it has been drifting toward a glorified child care type of a program and losing its educational emphasis. I believe that the changes we made in this bill, and there are some who will oppose this because it is not a perfect bill. In fact, to go under a suspension, we needed bipartisan support for this bill. Some provisions that were in the committee were taken out. But I believe that in the Head Start portion of this bill as well as the Community Services Block Grant, conservative Republicans should support this because it is an improvement from the way we were currently doing business.

For example, we have in the Education Performance Standards that they need to develop phonemic, print and numeracy awareness; understand and use oral language to communicate for different purposes; understand and use increasingly complex and varied vocabulary; develop and demonstrate an appreciation of books; and in the case of non-English background children, progress toward acquisition of the English language.

We also have Performance Measures. We have four, plus giving local flexibility for additional: Know that letters of the alphabet are a special category of visual graphics that can be individually named; recognize a word as a unit of print; identify at least 10 letters of the alphabet; and associate sounds with written words.

I do not favor national standards for public schools because the bulk of the dollars for public schools do not come from the Federal Government. But the overwhelming bulk of the dollars for Head Start do come from the Federal Government. Therefore, we have an obligation to the taxpayers to make sure that those dollars are being effectively used. In many cases Head Start was drifting away from the promises that it was given. Certain programs were effective and certain programs were not. We wanted to tighten and make Head Start more effective. I believe this will be done in an additional way that the gentleman from Pennsylvania (Mr. GOODLING) led the efforts in, and, that is, to get more dollars into the teachers' hands rather than this explosion and expansion of services but not reaching the people with the quality of services that they need. The gains in Head Start are very tied toward teaching the kids who are behind, maybe they do not have the parental investment or the community investment in those kids that many kids such as my children are likely to have, having two parents of a college-educated background with a home computer. Not all kids have that in America. We need to reach out to those and make sure that those services are effectively used and not dissipated by trying to reach far too many who may or may not actually need the services.

Title II, the Community Services Block Grant portion of the bill, improves the accountability and effectiveness of these block grants by encouraging effective partnerships between government, local communities and charitable organizations, including faith-based organizations. This has been a critical part of the Renewal Alliance effort in numerous bills to make sure that faith-based organizations are included as an effective way particularly in our urban centers to reach those who are hurting most.

I also have two specific provisions in the Community Services Block Grant section. One I offered with the gentlewoman from California (Ms. WOOLSEY), the gentleman from Pennsylvania (Mr. FATTAH) and the gentleman from Missouri (Mr. TALENT) that was introduced in the House by the gentleman from Ohio (Mr. KASICH) and the gentleman from Ohio (Mr. HALL) and my former boss, Senator COATS, in the Senate which was Individual Development Accounts. They are matched savings accounts for low-income individuals which can only be accessed for higher education, home purchases, emergency medical expenses and capitalization of a business. In other words, rather than just having the government do a direct transfer, we are saying, "If you save some of your money, we'll match it," much like we have in government employee savings funds, by the way. We are saying, if people will take the initiative to save money, we will match that and try to help get them started in our society and developing their own capital fund if they use it for education, home, emergency medical or capitalization of a business.

We also have a bipartisan amendment with the gentleman from Virginia (Mr. SCOTT) and myself that would allow at the State level their portion of Community Services Block Grant to be set aside to pay for State charitable credits. This is an important breakthrough, because again we have promoted in the Renewal Alliance, which are those of us who are conservatives who say the Federal Government cannot do everything, what do we

propose as an alternative to help those who have been left behind in economic growth.

Well, one of the things is to try to give incentives to the churches, to the community foundations, to individuals that if you will help, we will give you a tax incentive, we will allow you to leverage those funds in charitable organizations to do that. We are encouraging Individual Development Accounts. And in Head Start we are trying to promote education.

Let me make one last reference. I know some of my conservative allies in the House are very disturbed that several provisions were dropped off from the subcommittee level and the committee level. I have long supported the repeal of Davis Bacon and I do not think there is a bill that makes this more clear. Because we did not repeal Davis Bacon there will be fewer Head Start centers built. It is that simple. Because if you have to pay what is not really necessarily a prevailing wage because if indeed it is a prevailing wage Davis Bacon would not make any difference, that by taking that provision out we will be able to build fewer Head Start centers.

By changing the father accountability, we are not doing some of what we Republicans wanted to do and to try to use that. I think you can have a good debate whether or not the children in effect should be punished directly but at the same time without fathers, they are being punished, anyway. We, I believe, should use all levels of government to try to encourage the rebuilding of the families. But you also have to be realistic.

We have many improvements in this bill. I outlined many breakthrough provisions. You cannot get everything in a bill and have it make it through this House and the Senate and signed by the President in 30 days. I think the chairman and the subcommittee chairman who I know has some differences with the final form are to be commended for passing a bill that we can get bipartisan support and yet have substantive changes in it that will make it better for those who are hurting in our society.

Mr. GOODLING. Mr. Speaker, I yield myself the balance of my time. I do want to recognize the subcommittee chair the gentleman from California (Mr. RIGGS) and the ranking member the gentleman from California (Mr. MARTINEZ) for all of the work that they have done and of course all of the work that the staff has done for a long, long time. Denzel just said, "You mean we're finally here?" Yes, we are finally here.

I want to recognize the gentleman from Michigan (Mr. SMITH) also, for his word on family literacy. One of the shortcomings in Head Start from the beginning has been that there was not enough emphasis on family literacy. In this legislation we have a $5 million family literacy demonstration program. We also have a very strong definition of family literacy because it will not work, we have found out over the years, if the entire family is not involved in improving their literacy skills. Again I would ask all to support the legislation. I think we have done an excellent job.

Mr. MARTINEZ. Mr. Speaker, I yield myself the balance of my time. I should have commended the staff earlier because I can remember a lot of those meetings, especially the meetings where the staff included me and the gentleman from California (Mr. RIGGS) in their deliberations. They were quite extensive. I want to say that they did work very hard to try to get to that bipartisan effort we did. But it finally came down to the fact that the gentleman from Pennsylvania (Mr. GOODLING), the chairman, interceded in some of the really, really difficult issues that we had not resolved, and we do have a bipartisan bill on the floor today. I would recommend that our Members vote for it.

Mr. GOODLING. Mr. Speaker, I rise in strong support of the amendment in the nature of a substitute to S. 2206, the Human Services Authorization Act of 1998. This legislation merges two bills that were reported by the Committee on Education and the Workforce on July 29: H.R. 4241, the Head Start Amendments Act of 1998 and H.R. 4271, the community services Authorization Act of 1998. Passage of this legislation is critically important to this nation's fight against poverty and to improve the preschool education of low-income children.

Specifically this legislation extends the authorizations for the Head Start Act, the Community Services block Grant Act, and the Low-Income Home Energy Assistance Act of 1981. The legislation also makes important changes to the Acts that would result in improved services, increased quality and accountability.

Title I of this legislation contains H.R. 4241, the Head Start Amendments of 1998. This legislation firmly establishes quality as the focus of the authorization.

Questions still persist about the unevenness of Head Start quality and about program outcomes in general. In Fact, Dr. Ed Zigler, the founder of Head Start, testified at a Head Start hearing in June that the educational component of Head Start continues to be of suspect quality.

Dr. Zigler's testimony and the testimony of other witnesses we heard at numerous hearings, coupled with my own impression of Head Start leads me to the conclusion that we must continue to improve the quality of head Start. I am a firm believer that Head Start should rival the best preschools in the nation. So while Head Start may be successful in providing an array of social services, the primary focus of the program should be educational quality. Unfortunately, the program has fallen short in preparing young children to enter school ready to read, ready to learn.

Until we can ensure that ALL children enrolled in Head Start receive high quality educational services, we should slow down the rate of expansion for a few short years. We should first ensure that head Start has the capacity to serve ALL children currently enrolled in the program well.

In an effort to strike the appropriate balance between quality and expansion, the bill directs more money into improving quality in head Start in the first years of the authorization. As we look to spend in excess of $20 billion on this program over the next five years, it is important that we strike this balance.

Under the bill, school readiness will become the primary goal of Head Start. We want children to be eager and prepared to participate in kindergarten. Therefore we have added new education performance standards and measures. The legislation also requires that at least one-half of all Head Start teachers will have to possess a college degree in early childhood education by the end of the authorization period.

I would like to point out at this time that the substitute I am offering today does not contain three provisions that were reported out of Committee. Specifically: Permitting parent certificates; requiring mothers to identify the father of their child, before their child may enroll in Head Start; and deleting the Davis-Bacon requirement.

Although these are important provisions and the Committee reported such provisions after rigorous debate, they were dropped because this is neither the time nor the bill to debate these controversial issues. The Senate which has already passed their authorization bill did not include these provisions, nor have they indicated that they will do so. I submit for the RECORD an editorial in today's Washington Post stating that the while all three topics are worthy of discussion, Head Start is not the bill on which to have those debates.I am also submitting a letter of support from the National Head Start Association. Support that is dependent on these issues being dropped from the bill.

We have only a few short weeks before the end of session. Time dictates that the House pass a bipartisan Head Start bill, so we can conference with the Senate immediately and ensure that the authorizations of Head Start, CSBG and LIHEAP are considered another significant accomplishment of this Congress.

In summary, the bottom line for this authorization of Head Start is educational quality. Although, numerous quality provisions in the bill will help guarantee that a Head Start child receives as good a preschool experience as any other child in this country.

Title II of the legislation makes changes to the Community Services Block Grant Act. The bill will better enable States and local communities to eradicate poverty; revitalize high poverty neighborhoods; and empower low-income individuals to become self-sufficient.

The bill increases program accountability in CSBG. It encourages development of effective partnerships between government, local communities, and charitable organizations (including faith-based organizations) to meet the needs of impoverished individuals. And it encourages innovative community-based approaches to attacking the causes and effects of poverty.

I have been a strong supporter for many years of CSBG and the programs that it supports. I have seen the positive differences that community action programs have made in people's lives, including for those in my Congressional district in Pennsylvania. Working together we can make improvements in CSBG and related anti-poverty programs that will even further improve services for the poor in each local community.

Title III of this legislation extends the authorization of another important program, the Low Income Home Energy Assistance Program through the year 2001. LIHEAP provides heating and cooling assistance to almost 5 million low-income households each year. Whether it's those in abject poverty who are facing the blistering cold of a winter in Michigan, or the elderly sweltering in 102 degree heat in Dallas, Texas, this program provides the only relief for hundreds of thousands of our citizens.

Individuals and families receiving this vital assistance include the working poor, individuals making the transition from welfare to work, individuals with disabilities, the elderly, and families with young children. In fact, nearly 70 percent of families receiving LIHEAP assistance last year survived on an annual income of less than $8,000, while spending an average of 18.5 percent of their annual household income on energy costs.

I urge my Colleagues to support S. 2206 as amended so that we may promptly begin the conference process on Head Start, CSBG and LIHEAP. It is critical to low-income families throughout the nation that we move quickly on this important legislation that impacts so many of their lives, to ensure that it becomes law this year.

THE NATIONAL HEAD START ASSOCIATION,
Alexandria, VA, September 11, 1998.

Hon. WILLIAM GOODLING, CHAIRMAN,
Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR CHAIRMAN GOODLING: On July 29, the Committee on Education and the Workforce considered the bill, H.R. 4241, and reported the measure, after agreeing to several amendments which the National Head Start Association strongly opposes.

As I wrote you in my letter of August 5, 1998, the National Head Start Association is gravely concerned over the outcome of the committee deliberations—specifically those actions which restored controversial matters which you had elected to eliminate in offering your substitute amendment for committee consideration.

The introduction of vouchers in lieu of Head Start programs for the delivery of services and requiring Head Start programs to police compliance with welfare and paternity conditions threatens to undermine program quality and integrity and fracture a long history of bipartisan legislation in support of Head Start.

Just two days before the Committee considered H.R. 4241, as you know, the Senate unanimously approved Head Start reauthorization legislation (S. 2206) reported by the Senate Committee on Labor and Human Resources by a vote of 18–0. Our hope was that the House of Representatives would follow suit so that the process might move forward in a collegial manner.

In an effort to move the reauthorization process forward, the National Head Start Association would support consideration of H.R. 4241 by the full House of Representatives if the controversial provisions cited above are removed from the bill as reported by the Committee on Education and the Workforce. At the same time, we remain concerned over other provisions in the committee-reported bill and will work with you as the measure moves to conference in addressing those concerns.

Sincerely,

SARAH M. GREENE.

[From the Washington Post, Sept. 14, 1998]

HEAD START VOTE IN THE HOUSE

A bill to reauthorize the Head Start program, whose passage ought to be routine, has hit a rough spot in the House, where conservative Republicans are trying to turn it into an election-year poster board. Chairman Bill Goodling of the Committee on Education and the Workforce will try this week to rescue the legislation by stripping out gratuitious amendments that were added in committee, mostly against his will.

He is using a procedure that requires a two-thirds vote while limiting debate. The principal sponsor of the troublsome amendments, Rep. Frank Riggs of California, is resisting. The House should vote as Mr. Goodling now asks; the Republican leadership should see to it. It is hard to believe the party would want to send members home to campaign having held up a program as worthy and popular as this.

Mr. Riggs offered three amendments in committee. One would bar from the program children whose mothers failed to cooperate with state and local agencies in establishing paternity. The second would take a symbolic first step toward disestablishing Head Start in favor of a system of vouchers. The third would exempt work on Head Start centers from the requirement of organized labor's beloved Davis-Bacon Act that "prevailing" wages be paid on federal construction projects.

Those are the provisions that Mr. Goodling would drop. In a letter urging Republican colleagues to resist, Mr. Riggs called them "common-sense reforms" that reflect "core Republican principles." He's right that all three of the issues are worthy of discussion, but not in connection with this program or this bill. The Senate already has passed a clean Head Start bill; the House should follow its lead.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of S. 2206, the Community Opportunities & Educational Services Act. I support many of the provisions in this bill which reauthorizes the Head Start, Community Services Block Grant and the Low-Income Home Energy Assistance Programs. However, I want to focus my remarks on the new demonstration program which will be created if this bill becomes law.

Mr. Speaker, S. 2206 includes the text of H.R. 2849, the Assets for Independence Act which I introduced with Representative JOHN KASICH. The language was added by an amendment offered in the Education and Work Committee by Representatives MARK SOUDER and LYNN WOOLSEY. This legislation authorizes $25 million for four years for the creation of Individual Development Accounts (IDAs) for poor families and individuals. IDAs are dedicated savings accounts, similar in structure to Individual Retirement Accounts, that can be used for purchasing a first home, paying for post-secondary education, or capitalizing a business.

IDAs are managed by community organizations and are held at local financial institutions. Low income individuals make a contribution to the account which is then matched by private or public funds. Under the legislation, participants can have no more than $10,000 in assets (excluding their car and home) to qualify for the program. Federal money can only be used to match private money. In this way, the bill would leverage more private money and local involvement. By encouraging asset development, IDAs help families end their own poverty with dignity.

IDAs and other asset-building strategies for the poor appear to be among the most promising poverty-fighting ideas to emerge in the last few decades. It is estimated that 100 communities are running IDA programs in forty-three states. Twenty-five states, including Ohio, have incorporated IDAs into their welfare-to-work plans, as authorized by the Personal Repsonsibility and Work Opportunity Reconciliation Act of 1996. The Joyce, Mott, Ford, Levi Strauss, and Fannie Mae Foundations have issued millions of dollars in grants to support IDA demonstration projects. IDAs have come a long way since the Select Committee on Hunger, which I chaired, first held hearings on this important idea in the early 1990's.

This demonstration project, will provide additional fuel to states, localities, and community based nonprofit groups that are looking for creative and enduring strategies to help low-income families move toward self-sufficiency.

Owning assets gives people a stake in the future and a reason to save, dream, and invest time, effort, and resources in creating a future for themselves and their children. Assets empower people to make choices for themselves.

I would urge my colleagues to pass this important legislation.

Mr. PAUL. Mr. Speaker, I appreciate the opportunity to express my opposition to S. 2206, which reauthorizes the Head Start program, as well as the Community Services Block Grant program and the Low Income Housing Energy Assistance Program (LIHEAP). While the goals of Head Start and the Community Services Block Grant program are certainly noble, the means these programs use to accomplish these goals (confiscating monies from one group of citizens and sending them to another group of citizens in the form of federal funding for Washington-controlled programs) are immoral and ineffective. There is no constitutional authority for Congress to fund any programs concerning child-rearing or education. Under the constitutional system, these matters are left solely in the hands of private citizens, local government, and the individual states.

In fact, the founders of this country would be horrified by one of the premises underlying this type of federal program: that communities and private individuals are unwilling and unable to meet the special needs of low-income children without intervention by the federal government. The truth is that the American people can and will meet the educational and other needs of all children if Congress gives them the freedom to do so by eliminating the oppressive tax burden fostered on Americans to fund the welfare-warfare state.

When the federal government becomes involved in funding a program such as Head Start, it should at least respect local autonomy

by refraining from interfering with the ability of local communities to fashion a program that suits their needs. After all, federal funding does not change the fact that those who work with a group of children on a daily basis are the best qualified to design a program that effectively serves those children. Therefore, I must strongly object to the provisions in S. 2206 that requires the majority of Head Start classroom teachers to have an Associate or Bachelors degree in early childhood education by 2003. This provision may raise costs and/or cause some good Head Start teachers to lose their positions simply because they lack the credentials a Washington-based "expert" decided they needed to serve as a Head Start instructor.

Mr. Speaker, if programs such as Head Start where controlled by private charities, their staffers would not have to worry about diverting valuable resources away from their mission to fulfill the whims of Congress.

I am also disappointed that S. 2206 does not contain the language passed by the House Committee on Education and the Workforce freeing Head Start construction from the wasteful requirements of the Davis-Bacon Act. Davis-Bacon not only drives up construction costs, it effectively ensures that small construction firms, many of which are minority-owned, cannot compete for federal construction contracts. Repealing Davis-Bacon requirement for Head Start construction would open up new opportunities for small construction companies and free up millions of taxpayers dollars that could be used to better America's children.

Congress should also reject S. 2206 because it reauthorizes the Low Income Heating and Energy Program (LIHEAP). LIHEAP is an unconstitutional transfer program which has outlived its usefulness. LIHEAP was instituted in order to help low-income people deal with the high prices resulting from the energy crisis of the late seventies. However, since then, home heating prices have declined by 51.6% residential electricity prices have declined by 25% and residential natural gas prices have declined by 32.7%. Furthermore, the people of Texas are sending approximately $43 million more taxpayer dollars to Washington for LIHEAP than they are receiving in LIHEAP funds. There is no moral or constitutional justification for taking money from Texans, who could use those funds for state and local programs to provide low-income Texans with relief from oppressive heat, to benefit people in other states.

Another provision in S. 2206 that should be of concern to believers in a free society is the provision making "faith-based organizations" eligible for federal funds under the Community Services Block Grant program. While I have little doubt that the services offered by churches and other religious institutions can be more effective in producing social services than many secular programs, I am concerned that allowing faith-based organizations' access to federal taxpayer dollars may change those organizations into lobbyists who will compromise their core beliefs rather than risk alienating members of Congress and thus losing their federal funds. Thus, allowing faith-based organizations to receive federal funds may undermine future attempts to reduce federal control over social services, undermine America's tradition of non-establishment of religion, and weaken the religious and moral component of the programs of "faith-based providers." It would be a tragedy for America if religious organizations weakened the spiritual aspects that made their service programs effective in order to receive federal lucre.

Since S. 2206 furthers the federal government's unconstitutional role of controlling early childhood education by increasing federal micro-management of the Head Start program, furthers government intrusions into religious institutions and redistributes income from Texans to citizens of other states through the LIHEAP program, I must oppose this bill. I urge my colleagues to oppose this bill and instead join me in defunding all unconstitutional programs and cutting taxes so the American people may create social service programs that best meet the needs of low-income children and families in their communities.

Mr. CASTLE, Mr. Speaker, I rise today in strong support of the substitute to S. 2206, the Human Services Authorization ACt of 1998, offered by Chairman GOODILING.

I am pleased to state that this substitute represent a very balanced view of many long hours of negotiations and thorough evaluations of the needs of some of the countries neediest citizens.

In particular, I want to focus my comments today on the Head Start provisions of the legislation. The Subcommittee on Early Childhood, Youth, and Families heard from a number of witnesses on ways to strengthen existing Head Start operations to bring better quality, more accountability and more results. Today, we are combining that input and taking several very important steps for our nation's children by implementing a better, stronger, and more focused program. As you are aware, the substitute does not contain the more controversial provisions, including those on parent certificates, construction, and establishment of paternity. I believe the exclusion of these provisions leaves us with a stronger and more united bill and commend the Chairman for his acknowledgment of such.

One of the keys to this reform, that we on the Education Committee identified immediately, is the need to toughen the education components of the program. So, what we have done is clarify those educational components of Head Start. The purpose of Head Start is to promote school readiness. Make no mistake about it, this program was named deliberately—these kids need a "head start" in life. The new performance standards are measures in the substitute will enable us to ensure that students are learning, so that we can meet the needs of children where we haven't been able to in the past.

In addition monies will be available for advancement in the quality of Head Start. Specifically, much needed funds will be put toward teacher training and recruiting college educated teachers. The majority of Head Start teachers will now have a college degree in early childhood development. I, personally, think this is essential. We need to provide strong resources and strong teachers that have an intimate knowledge of child development to assist families through some of the most difficult and vital childhood years.

Finally the substitute also cover areas that we are the Federal level have missed by providing a separate portion of funds directly to local grantees. Knowing the priorities and diverse needs of their individual communities, the local programs can use these funds to attend to individual children with concerns not addressed by other parts of the legislation.

Mr. Speaker, I have attempted only to highlight the strengths of the substitute in this brief synopsis, but I want to give my full endorsement for the entirety of the legislation being put forth today. With the fiscal constraints we are faced with in the Nation today, I believe it is essential to strengthen accountability and results and produce quality programs that ensure children's welfare is being promoted, and I feel comfortable and confident that this bill helps us do so.

I urge my colleagues to join me in support the Goodling substitute to the Human Services Authorization Act of 1998.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I strongly support this bill. It is imperative that we continue to fund projects that develop and enhance educational opportunities for our children. Reauthorizing the Community Services Block Grant and the Low-Income Home Energy Assistance program provides much needed aid to those who needed the most help.

It should be clear to all of us that education preserves the very qualities of humanity that we must uphold. As the great scholar Plutarch once wrote, "The very spring and root of honesty and virtue lie in good education."

By helping low-income families, Head Start provides financially-disadvantaged children the foundation for a good education, and it is this foundation that allows these children to excel in public schools. Such achievement can then carry them to college and beyond.

It is equally important to ensure the viability of Community Service Block Grants. This measure would continue the assistance that we already provide to States and local communities. Moreover, the measure continues the Federal government's partnership with a network of community action agencies and other neighborhood-based organizations as they strive to achieve the reduction of poverty, the revitalization of low-income communities, and the empowerment of low-income families and individuals in rural and urban areas to become fully self-sufficient.

Finally, it is vital that we provide adequate funds to the Low-Income Home Energy Assistance Program. With the ever-rising costs of home energy, we cannot forget those who often cannot afford such costs. All we have to do is look at my hometown of Houston, Texas, and the terrible heat crisis that resulted in loss of life. If we can provide assistance to low-income individuals, perhaps we could prevent future casualties.

Mr. ROEMER. Mr. Speaker, I rise in strong support of this Head Start bill. I would also like to commend the Committee Chairman, Mr. GOODLING, for his strong leadership on this important bill.

Mr. Speaker, I am a very strong supporter of the Head Start program, but have had

many concerns about the quality and the educational components of the Head Start program. I am pleased with this legislation because it further addresses quality and professional development. I am pleased that this legislation establishes "school readiness" as a goal of the Head Start program, and adds very specific education performance measures to the Head Start statute. The Head Start program has great potential, and I think that we should continue to strive to improve the educational components of this valuable program.

I am also pleased that this bill infuses more money into quality—such as professional development, teachers' salaries, and overall quality improvements. I believe that the Head Start program must not be expanded at the expense of quality.

Finally, this bill addresses professional development by identifying specific skills that each classroom teacher should be able to demonstrate, as well as upgrading the degree requirements for the program so that a majority of classroom teachers will have at least an associate's degree by 2003. I am pleased that this bill also includes an amendment that I offered that will strengthen professional development and the quality of the program. My amendment would require Head Start grantees to develop or adopt, in consultation with experts in child development and classroom teachers, an assessment or evaluation instrument to be used by Head Start grantees when hiring classroom teachers.

We need to ensure that our Head Start teachers have mastered the skills to advance the intellectual and physical development of the children, improve school readiness, establish a safe and healthy environment, and support the social and emotional development of children. Again, I appreciate the Chairman's fine leadership on this bill, and strongly urge my colleagues to support this legislation.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2206, as amended.

The question was taken.

Mr. MARTINEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

NEXT GENERATION INTERNET RESEARCH ACT OF 1998

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3332) to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3332

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Next Generation Internet Research Act of 1998".

SEC. 2. FINDINGS.

(a) IN GENERAL.—The Congress finds that—

(1) United States leadership in science and technology has been vital to the Nation's prosperity, national and economic security, and international competitiveness, and there is every reason to believe that maintaining this tradition will lead to long-term continuation of United States strategic advantages in information technology;

(2) the United States investment in science and technology has yielded a scientific and engineering enterprise without peer, and that Federal investment in research is critical to the maintenance of United States leadership;

(3) previous Federal investment in computer networking technology and related fields has resulted in the creation of new industries and new jobs in the United States;

(4) the Internet is playing an increasingly important role in keeping citizens informed of the actions of their government; and

(5) continued inter-agency cooperation is necessary to avoid wasteful duplication in Federal networking research and development programs.

(b) ADDITIONAL FINDINGS FOR THE 1991 ACT.—Section 2 of the High-Performance Computing Act of 1991 (15 U.S.C. 5501) is amended by—

(1) striking paragraph (4) and inserting the following:

"(4) A high-capacity, flexible, high-speed national research and education computer network is needed to provide researchers and educators with access to computational and information resources, act as a test bed for further research and development for high-capacity and high-speed computer networks, and provide researchers the necessary vehicle for continued network technology improvement through research."; and

(2) adding at the end thereof the following:

"(7) Additional research must be undertaken to lay the foundation for the development of new applications that can result in economic growth, improved health care, and improved educational opportunities.

"(8) Research in new networking technologies holds the promise of easing the economic burdens of information access disproportionately borne by rural users of the Internet.

"(9) Information security is an important part of computing, information, and communications systems and applications, and research into security architectures is a critical aspect of computing, information, and communications research programs.".

SEC. 3. PURPOSES.

(a) IN GENERAL.—The purposes of this Act are—

(1) to authorize, through the High-Performance Computing Act of 1991 (15 U.S.C. 5501 et seq.), research programs related to—

(A) high-end computing and computation;

(B) human-centered systems;

(C) high confidence systems; and

(D) education, training, and human resources; and

(2) to provide, through the High-Performance Computing Act of 1991 (15 U.S.C. 5501 et seq.), for the development and coordination of a comprehensive and integrated United States research program which will—

(A) focus on the research and development of a coordinated set of technologies that seeks to create a network infrastructure that can support greater speed, robustness, and flexibility than is currently available and promote connectivity and interoperability among advanced computer networks of Federal agencies and departments;

(B) focus on research in technology that may result in high-speed data access for users that is both economically viable and does not impose a geographic penalty; and

(C) encourage researchers to pursue approaches to networking technology that lead to maximally flexible and extensible solutions wherever feasible.

(b) MODIFICATION OF PURPOSES OF THE 1991 ACT.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended by—

(1) striking the section caption and inserting the following:

"SEC. 3. PURPOSES.";

(2) striking "purpose of this Act is" and inserting "purposes of this Act are";

(3) striking subparagraph (A) of paragraph (1) and redesignating subparagraphs (B) through (I) as subparagraphs (A) through (H), respectively;

(4) striking "Network" and inserting "Internet" in paragraph (1)(B), as so redesignated by paragraph (3) of this subsection;

(5) striking "and" at the end of paragraph (1)(H), as so redesignated by paragraph (3) of this subsection;

(6) in paragraph (2), by striking "efforts." and inserting "network research and development programs;"; and

(7) adding at the end thereof the following:

"(3) promoting the more rapid development and wider distribution of networking management and development tools; and

"(4) promoting the rapid adoption of open network standards.".

SEC. 4. NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.

(a) PROGRAM ELEMENTS.—Subparagraphs (A) and (B) of section 101(a)(2) of the High-Performance Computing Act of 1991 (15 U.S.C 5511(a)(2)(A) and (B)) are amended to read as follows:

"(A) provide for the development of technologies to advance the capacity and capabilities of the Internet;

"(B) provide for high performance testbed networks to enable the research, development, and demonstration of advanced networking technologies and to develop and demonstrate advanced applications made possible by the existence of such testbed networks;".

(b) ADVISORY COMMITTEE.—Section 101(b) of the High-Performance Computing Act of 1991 (15 U.S.C 5511(b)) is amended by striking "HIGH-PERFORMANCE COMPUTING" in the subsection heading.

SEC. 5. NEXT GENERATION INTERNET.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C 5511 et seq.) is amended by adding at the end the following new section:

"SEC. 103. NEXT GENERATION INTERNET.

"(a) ESTABLISHMENT.—The National Science Foundation, the Department of Energy, the National Institutes of Health, the National Aeronautics and Space Administration, and the National Institute of Standards and Technology may support the Next Generation Internet program. The objectives of

the Next Generation Internet program shall be to—

"(1) support research, development, and demonstration of advanced networking technologies to increase the capabilities and improve the performance of the Internet;

"(2) develop an advanced testbed network connecting a significant number of research sites, including universities, Federal research institutions, and other appropriate research partner institutions, to support networking research and to demonstrate new networking technologies; and

"(3) develop and demonstrate advanced Internet applications that meet important national goals or agency mission needs, and that are supported by the activities described in paragraphs (1) and (2).

"(b) DUTIES OF ADVISORY COMMITTEE.—The President's Information Technology Advisory Committee (established pursuant to section 101(b) by Executive Order No. 13035 of February 11, 1997 (62 F.R. 7131), as amended by Executive Order No. 13092 of July 24, 1998), in addition to its functions under section 101(b), shall—

"(1) assess the extent to which the Next Generation Internet program—

"(A) carries out the purposes of this Act; and

"(B) addresses concerns relating to, among other matters—

"(i) geographic penalties (as defined in section 7(1) of the Next Generation Internet Research Act of 1998);

"(ii) the adequacy of access to the Internet by Historically Black Colleges and Universities, Hispanic Serving Institutions, and small colleges and universities (whose enrollment is less than 5,000) and the degree of participation of those institutions in activities described in subsection (a); and

"(iii) technology transfer to and from the private sector;

"(2) review the extent to which the role of each Federal agency and department involved in implementing the Next Generation Internet program is clear and complementary to, and non-duplicative of, the roles of other participating agencies and departments;

"(3) assess the extent to which Federal support of fundamental research in computing is sufficient to maintain the Nation's critical leadership in this field; and

"(4) make recommendations relating to its findings under paragraphs (1), (2), and (3).

"(c) REPORTS.—The Advisory Committee shall review implementation of the Next Generation Internet program and shall report, not less frequently than annually, to the President, the Committee on Commerce, Science, and Transportation, the Committee on Appropriations, and the Committee on Armed Services of the Senate, and the Committee on Science, the Committee on Appropriations, and the Committee on National Security of the House of Representatives on its findings and recommendations for the preceding fiscal year. The first such report shall be submitted 6 months after the date of enactment of the Next Generation Internet Research Act of 1998 and the last report shall be submitted by September 30, 2000.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this section—

"(1) for the Department of Energy, $22,000,000 for fiscal year 1999 and $25,000,000 for fiscal year 2000;

"(2) for the National Science Foundation, $25,000,000 for fiscal year 1999 and $25,000,000 for fiscal year 2000, as authorized in the National Science Foundation Authorization Act of 1998;

"(3) for the National Institutes of Health, $5,000,000 for fiscal year 1999 and $7,500,000 for fiscal year 2000;

"(4) for the National Aeronautics and Space Administration, $10,000,000 for fiscal year 1999 and $10,000,000 for fiscal year 2000; and

"(5) for the National Institute of Standards and Technology, $5,000,000 for fiscal year 1999 and $7,500,000 for fiscal year 2000.

Such funds may not be used for routine upgrades to existing federally funded communication networks.

SEC. 6. STUDY OF EFFECTS ON TRADEMARK RIGHTS OF ADDING GENERIC TOP-LEVEL DOMAINS.

(a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Commerce shall request the National Research Council of the National Academy of Sciences to conduct a comprehensive study, taking into account the diverse needs of domestic and international Internet users, of the short-term and long-term effects on trademark rights of adding new generic top-level domains and related dispute resolution procedures.

(b) MATTERS TO BE ASSESSED IN STUDY.—The study shall assess and, as appropriate, make recommendations for policy, practice, or legislative changes relating to—

(1) the short-term and long-term effects on the protection of trademark rights and consumer interests of increasing or decreasing the number of generic top-level domains;

(2) trademark rights clearance processes for domain names, including—

(A) whether domain name databases should be readily searchable through a common interface to facilitate the clearing of trademark rights and proposed domain names across a range of generic top-level domains;

(B) the identification of what information from domain name databases should be accessible for the clearing of trademark rights; and

(C) whether generic top-level domain registrants should be required to provide certain information;

(3) domain name trademark rights dispute resolution mechanisms, including how to—

(A) reduce trademark rights conflicts associated with the addition of any new generic top-level domains; and

(B) reduce trademark rights conflicts through new technical approaches to Internet addressing;

(4) choice of law or jurisdiction for resolution of trademark rights disputes relating to domain names, including which jurisdictions should be available for trademark rights owners to file suit to protect such trademark rights;

(5) trademark rights infringement liability for registrars, registries, or technical management bodies;

(6) short-term and long-term technical and policy options for Internet addressing schemes and the impact of such options on current trademark rights issues; and

(7) public comments on the interim report and on any reports that are issued by intergovernmental bodies.

(c) COOPERATION WITH STUDY.—

(1) INTERAGENCY COOPERATION.—The Secretary of Commerce shall—

(A) direct the Patent and Trademark Office, the National Telecommunications and Information Administration, and other Department of Commerce entities to cooperate fully with the National Research Council in its activities in carrying out the study under this section; and

(B) request all other appropriate Federal departments, Federal agencies, Government contractors, and similar entities to provide similar cooperation to the National Research Council.

(2) PRIVATE CORPORATION COOPERATION.—The Secretary of Commerce shall request that any private, not-for-profit corporation established to manage the Internet root server system and the top-level domain names provide similar cooperation to the National Research Council.

(d) REPORTS.—

(1) IN GENERAL.—

(A) INTERIM REPORT.—After a period of public comment and not later than 4 months after the date of enactment of this Act, the National Research Council shall submit an interim report on the study to the Secretary of Commerce.

(B) FINAL REPORT.—After a period of public comment and not later than 9 months after the date of enactment of this Act, the National Research Council shall complete the study under this section and submit a final report on the study to the Secretary of Commerce. The final report shall set forth the findings, conclusions, and recommendations of the Council concerning the effects of adding new generic top-level domains and related dispute resolution procedures on trademark rights.

(2) SUBMISSION TO CONGRESSIONAL COMMITTEES.—

(A) INTERIM REPORT.—Not later than 7 days after the date on which the interim report is submitted to the Secretary of Commerce, the Secretary shall submit the interim report to the Committee on Commerce, Science, and Transportation and the Committee on the Judiciary of the Senate, and to the Committee on Commerce, the Committee on Science, and the Committee on the Judiciary of the House of Representatives.

(B) FINAL REPORT.—Not later than 7 days after the date on which the final report is submitted to the Secretary of Commerce, the Secretary shall submit the final report to the Committee on Commerce, Science, and Transportation and the Committee on the Judiciary of the Senate, and to the Committee on Commerce, the Committee on Science, and the Committee on the Judiciary of the House of Representatives.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $800,000 for the study conducted under this section.

SEC. 7. DEFINITIONS.

(a) IN GENERAL.—For purposes of this Act—

(1) GEOGRAPHIC PENALTY.—The term "geographic penalty" means the imposition of costs on users of the Internet in rural or other locations, attributable to the distance of the user from network facilities, the low population density of the area in which the user is located, or other factors, that are disproportionately greater than the costs imposed on users in locations closer to such facilities or on users in locations with significantly greater population density.

(2) INTERNET.—The term "Internet" means the international computer network of both Federal and non-Federal interoperable packet switched data networks.

(b) ADDITIONAL DEFINITION FOR THE 1991 ACT.—Section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks;".

□ 1230

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

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

Mr. Speaker, H.R. 3332, the Next Generation Internet Research Act of 1998, amends the high-performance Computing Act of 1991 to authorize appropriations for the next generation Internet program for fiscal years 1999 and 2000. It was passed by a voice vote by the Committee on Science on May 13, 1998.

Today's Internet bears little resemblance to the original network that grew out of the work sponsored by the Defense Advanced Research Programs Agency and later by the National Science Foundation. What started out as a relatively small but important network linking Department of Defense and research university computers has exploded into a highly integrated worldwide system used largely by commercial and other enterprises. From 1998 to 2002, for example, the number of Internet users worldwide is expected to grow from 148 million to 477 million. Over the same period business-to-business electronic commerce is expected to grow from $78 billion to $300 billion.

The explosive growth in Internet traffic and its increasing importance to commerce and research has highlighted the need for new technologies to increase the speed and capacity of the system. Indeed the current system suffers limitations that could slow communications costing users both time and money. The NGI program will develop many of the technologies that will help the Internet keep pace with the increased demands placed on it.

I have long been supportive of the NGI program in concept but was initially reluctant to endorse the program because the administration had not developed an adequate plan on how it would be managed and how the funds would be spent. It was only in July 1997 that a draft implementation plan was put forward by the administration, too late for the Committee on Science to authorize the program in the First Session of the 105th Congress. With the release of the final implementation plan in February 1998 the committee felt it had a justifiable basis to move ahead with legislation to authorize the NGI program. The result is the bill before us today.

The NGI program will support R&D of advanced networking technologies to improve Internet performance, develop an advanced testbed network to demonstrate new technologies and use new technologies to develop more sophisticated Internet applications. One major goal of this program is to connect 100 NGI sites at 100 times the speed of today's Internet and to connect an additional 10 NGI sites at a thousand times the speed of today's Internet.

Specifically the bill authorizes $67 million for fiscal year 1999 and $75 million for Fiscal Year 2000 for the NGI programs run by the following five agencies:

Department of Energy, National Science Foundation, the National Institutes for Health, NASA and the National Institute of Standards and Technology. None of the money authorized is to be used for routine upgrades but only for research related activities.

H.R. 3332 also authorizes research into improving Internet access for rural areas, minority institutions and small colleges and promoting technology transfer to the private sector. The President's Information Technology Advisory Committee is required to report annually to Congress and to the President about the NGI program's progress in these and other areas.

In addition the bill directs the Secretary of Commerce to sponsor a National Academy of Sciences study that will look at the effects on trademark rights of adding new top-level domain names and make recommendations on how best to protect trademarks in the growing cyberspace economy. Eight hundred thousand dollars is authorized for this study.

H.R. 3332 is an excellent piece of legislation that will enhance a variety of fields and services including national defense, weather forecasting, air safety, telemedicine, the media, and education and research. And if that is not enough, it will also improve the quality of Internet service provided to the average consumer.

I would like to take a moment to thank my colleague, ranking minority member of the Committee on Science, the gentleman from California (Mr. BROWN) for cosponsoring this bill with me. I believe we have crafted a bill that will earn the support of our colleagues on both sides of the aisle and both sides of the capital, and I thank the gentleman for all the time and insight he has contributed to this legislation. H.R. 3332 is an important and timely piece of legislation, and I ask my colleagues to support it.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3332, the Next Generation Internet Research Act of 1998. I want to congratulate the gentleman from Wisconsin (Mr. SENSENBRENNER) the chairman of the Committee on Science and also the gentleman from California (Mr. BROWN) the ranking democratic Member, for their efforts to develop the bill and to bring it before the House.

H.R. 3332 authorizes the Next Generation Internet initiative which will support the research and development activities necessary to expand the capacity and capabilities to the Internet to meet the growing demands placed upon it. The applications that are straining the current Internet or even exceed its capabilities are coming largely from the research and education communities.

Achieving the goals of the Next Generation Internet initiative will require leading-edge research on networking hardware and software technologies. It also will require the creation of a large-scale high-performance testbed network. This testbed network will provide connectivity among many academic, industry and government user sites. It can then be used to implement challenging applications that will test the new networking technologies and ensure that they are scalable to the worldwide network.

In short, this initiative is a collaborative research project to develop and demonstrate next generation networking technology in a realistic network environment.

This bill will amend the high-performance Computing Act of 1991 to incorporate the Next Generation Initiative Internet initiative within the existing coordinated multi-agency research and development effort in advanced computing and network research. The bill provides general authority for agencies carrying out activities under the 1991 act to advance the capacity and capabilities of the Internet and to develop and demonstrate high-performance testbed networks.

In addition, this bill explicitly authorizes the participating agencies to implement this initiative and task that presidentially appointed advisory committee for high-performance computing and networking activities to provide periodic critical assessment of the initiative. The funding authorization provided by the bill is consistent with the level of the President's budget request, and the administration fully supports passage of this legislation.

The Internet is one of the best examples of a Federal research and development investment that resulted in significant public benefits. It is a growing and increasingly important communications medium for commerce as well as for education and research uses and for personal communications.

This initiative authorized by this bill builds on past successes of Federal R&D and provides support of research needed to accelerate the development

of the technologies. It will make it faster, more dependable, which will result from this initiative, enable new applications and crisis management and response, distance education, environmental monitoring, health care delivery and scientific research to name a few. In a very real way it will help shape the future, and I urge my colleagues to support and pass this bill.

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

Mr. SENSENBRENNER. Mr. Speaker, I have no further speakers. Does the gentlewoman from Texas have any further speakers?

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, as you know, the Committee on Commerce has a strong interest in the development of the Internet, and over the past year has held more than a dozen hearings on the subject of electronic commerce. Among the provisions in the legislation currently before the House are authorizations of appropriations for the National Institutes of Health to engage in activities related to its participation in the Next Generation Internet program, as well as a study on the addition of new generic top-level Internet domains. Both of these matters fall within the Commerce Committee's jurisdiction under Rule X of the Rules of the House of Representatives.

Mr. Speaker, I have reviewed these provisions and have no objections. At this point, I will insert in the RECORD an exchange of letters between Chairman SENSENBRENNER and myself regarding the Commerce Committee's desire to see this legislation move forward.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 11, 1998.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.

DEAR JIM: On May 13, 1998, the Committee on Science ordered reported H.R. 3332, the Next Generation Internet Research Act of 1998. Among other provisions, this bill authorizes appropriations for the National Institutes of Health ("NIH") to engage in activities related to its participation in the Next Generation Internet program, as well as a study on the addition of new generic top-level Internet domains. Both of these matters fall within the Committee's jurisdiction under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner. Therefore, I will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over these provisions or similar legislation. In addition, the Commerce Committee reserves its authority to seek conferees on the provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I request that you support any request by the Commerce Committee for conferees on this or similar legislation.

I also request that you submit this letter for the record during consideration of H.R. 3332 on the House floor. Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, September 11, 1998.

Hon. THOMAS BLILEY,
Chairman, House Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of September 11, 1998 concerning H.R. 3332, the Next Generation Internet Research bill.

I appreciate your willingness to waive consideration of the bill of the Committee on Commerce so that the Science Committee may expedite consideration of the bill on the floor of the House.

The Committee on Science acknowledges Commerce Committee jurisdiction over the National Institutes of Health and its telecommunications jurisdiction over Internet domain names. Recognizing this I will support your request for conferees on these provisions should the Science Committee seek a House-Senate conference that may be convened on this legislation.

I will submit this exchange of letters for the record during consideration of H.R. 3332 on the House floor.

Sincerely,

F. JAMES SENSENBRENNER, Jr.,
Chairman.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support this bill, the Next Generation Internet Act of 1998, which amends the High Performance Computing Act (HCPA) of 1991 to expand our development of an Internet that is faster, more powerful, and more available to the people of the United States than ever before.

The Next Generation Internet (NGI) Program, created by this bill, authorizes funds from the National Science Foundation (NSF), the Department of Energy, NASA, the National Institutes of Health (NIH), and the National Institutes of Standards and Technology, to be spent on researching and developing advanced networking technologies which can be used to bolster the performance of the Internet, as we know it today.

As you all know, the Internet has become an important tool in the advancement of education, business, and even politics. For schoolchildren, it presents a window to the world, far less expensive than a set of encyclopedias, yet far more voluminous and varied. It is important for business, because it allows entrepreneurs to present their products in an interactive and compelling manner, which can also be easily adapted to satisfy the needs of the American, and international customer.

The Internet is important to the citizens of this great country because it gives each of them an equal voice. We receive hundreds of e-mails every month from concerned citizens, who feel obligated to participate in the political process, and who now have the ability to instantaneously reach their representative here in Congress. That is invaluable. We must continue to support programs like NGI, so that we can further mine the Internet for the good it can bring the global community.

I am also happy to report to you that this bill contains an important provision which I added during its markup in the Judiciary Committee. The amendment directs the Advisory Committee to address and make recommendations on the participation of "Historically Black Colleges, Hispanic Serving Institutions, and small colleges and universities" in the Next-Generation Internet Program.

This important provision provides a tremendous benefit to minority serving universities and small colleges who need guidance on how to gain better access to the Internet, as well as how they can participate in exciting Internet research programs, like NGI. We cannot let these important institutions fall through the digital divide, and remain fundamentally "disconnected" from the rest of the world.

I strongly urge you all to join me in support of the Internet, and of these important institutions by supporting this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 3332, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read, "A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the President's Information Technology Advisory Committee to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress on its activities, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. 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. 3332, the legislation just passed.

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

There was no objection.

POSTAL EMPLOYEES SAFETY ENHANCEMENT ACT

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2112) to make the Occupational Safety and Health Act of 1970 applicable to the United States Postal Service in the same manner as any other employer.

The Clerk read as follows:

S. 2112

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 "Postal Employees Safety Enhancement Act".

SEC. 2. APPLICATION OF ACT.

(a) DEFINITION.—Section 3(5) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652(5)) is amended by inserting after "the United States" the following: "(not including the United States Postal Service)".

(b) FEDERAL PROGRAMS.—

(1) OCCUPATIONAL SAFETY AND HEALTH.—Section 19(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668(a)) is amended by inserting after "each Federal Agency" the following: "(not including the United States Postal Service)".

(2) OTHER SAFETY PROGRAMS.—Section 7902(a)(2) of title 5, United States Code, is amended by inserting after "Government of the United States" the following: "(not including the United States Postal Service)".

SEC. 3. CLOSING OR CONSOLIDATION OF OFFICES NOT BASED ON OSHA COMPLIANCE.

Section 404(b)(2) of title 39, United States Code, is amended to read as follows:

"(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

"(A) shall consider—

"(i) the effect of such closing or consolidation on the community served by such post office;

"(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

"(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

"(iv) the economic savings to the Postal Service resulting from such closing or consolidation; and

"(v) such other factors as the Postal Service determines are necessary; and

"(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).".

SEC. 4. PROHIBITION ON RESTRICTION OR ELIMINATION OF SERVICES.

(a) IN GENERAL.—Chapter 4 of title 39, United States Code, is amended by adding after section 414 the following:

"§ 415. Prohibition on restriction or elimination of services

"The Postal Service may not restrict, eliminate, or adversely affect any service provided by the Postal Service as a result of the payment of any penalty imposed under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end the following:

"415. Prohibition on restriction or elimination of services.".

SEC. 5. LIMITATIONS ON RAISE IN RATES.

Section 3622 of title 39, United States Code, is amended by adding at the end the following:

"(c) Compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) shall not be considered by the Commission in determining whether to increase rates and shall not otherwise affect the service of the Postal Service.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from California (Mr. MARTINEZ) each will control 20 minutes.

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

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

Mr. Speaker, speaking for the gentleman from Pennsylvania (Mr. GREENWOOD), S. 2112 passed the Senate by unanimous consent on July 31, 1998. The bill is nearly identical to H.R. 3725 which was introduced by the gentleman from Pennsylvania (Mr. GREENWOOD). H.R. 3725 was passed by the Committee on Education and the Workforce on June 10 by voice vote, passed by the Committee on Government Reform and Oversight on July 23 by voice vote. S. 2112 allows the Occupational Safety and Health Administration to issue citations and fines against the U.S. Postal Service for violations of OSHA standards and requirements in postal facilities and workplaces. Under the Occupational Safety and Health Act of 1970 the Postal Service monitors its own compliance with OSHA requirements, and while OSHA may conduct inspections of postal facilities OSHA may not issue citations or penalties.

As the U.S. Postal Service competes more and more directly with private companies, it is appropriate that it do so on a level playing field with regard to such issues as compliance with safety and health regulations. Furthermore, worker safety has been a significant concern at the U.S. Postal Service, concern that has often been blamed in the lack of OSHA enforceability. For both of these reasons we believe it time to bring the postal service under OSHA enforcement. We are pleased that the Senate has agreed and has already passed this bill. By passing the Senate bill today we can send the bill on to the President for his signature.

I want to particularly commend the gentleman from Pennsylvania (Mr. GREENWOOD) for his efforts in moving his bill through two committees of the House and also commend Senator ENZI for moving his bill through the Senate, and I urge support for this legislation.

The U.S. Postal Service has raised two issues with the language of S. 2112. I would note that the Postal Service has raised these concerns only in recent days, after S. 2112 was passed by the Senate and companion bills were passed by two committees of the House. Nonetheless I do want to address the Postal Service's concerns.

First, the Postal Service expresses concern that S. 2112 does not include a delay in the effective date of the legislation. The Postal Service has, since 1970, been subject to section 19 of the Occupational Safety and Health Act, which obligates the Postal Service to "establish and maintain an effective and comprehensive safety and health program which is consistent with [OSHA standards.] So for the most part, S. 2112 does not subject the Postal Service to new standards and requirements. It simply gives OSHA the authority to enforce those standards and requirements. However, there may be a few specific new requirements as a result of the enactment of S. 2112, particularly, with regard to recording injuries and illnesses. Similarly, some state OSHA programs, which under S. 2112 will have enforcement jurisdiction over Postal Service facilities in 21 states, may have requirements that deviate from the federal requirements which the Postal Service was required to meet under section 19.

Where there are these new requirements, I encourage the Postal Service to work with OSHA and the state programs on a reasonable period for coming into full compliance as quickly as possible. And I would expect that similarly OSHA and the state OSHA agencies would work with the Postal Service, to bring the Postal Service into full compliance as quickly as possible. Given the discretion that these enforcement agencies have, I do not believe that a legislated delay in effective date is necessary, particularly given the fact that for the most part the Postal Service has been long subject to most of OSHA's standards, and that where there are changes and new requirements, a reasonable time for coming full compliance can be worked out between OSHA or the states and the Postal Service.

Second, the Postal Service has raised concerns with the language used in section 5 of S. 2112. Section 5 amends section 3622 of title 39 of the U.S. Code to add the following provision: "Compliance with any provision of the Occupational Safety and Health Act of 1970 shall not be considered by the Commission in determining whether to increase rates and shall not otherwise affect the service of the Postal Service." The Postal Service has claimed that this language could mean that the Postal Service would not be able to spend any funds generated from postal fees and rates to fund its safety and health programs and expenditures necessary to comply with OSHA standards, regulations, and the general duty clause.

This concern is unwarranted. First of all, the interpretation suggested by the Postal Service would be absurd: the purpose of S. 2112 is to improve safety and compliance with OSHA standards at Postal Service workplaces. The interpretation of section 5 suggested by the Postal Service would have the opposite effect. Secondly, the interpretation of section 5 suggested by the Postal Service is not required by the legislative language itself, and is clearly contrary to the legislative history, particularly the statements of Senator ENZI, who sponsored and wrote this legislation. During debate in the Senate, Senator ENZI explained that this provision is intended to "prevent the Postal Rate Commission from raising the price of stamps to help the Postal Service pay for potential OSHA fines. Rather the Postal Service should offset the potential for the fines by improving workplace conditions." (emphasis added) Senator ENZI's statement makes very clear that Section 5 is referring only to any penalties or fines that may be assessed against the Postal Service for not complying with OSHA requirements.

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

Mr. Speaker, I rise in support of S. 2112, the Postal Employees Safety Enhancement Act on behalf of the ranking Democrats on the committee and subcommittee, the gentleman from Missouri (Mr. CLAY) and the gentleman from New York (Mr. OWENS). As my colleague from Pennsylvania did such a thorough job describing this, I will not take too much time and keep my comments brief.

Currently the Federal agencies including the postal service are subject to OSHA inspections and are required to comply with OSHA standards. I agree that all public employees should enjoy full protection of OSHA and believe that when a Federal agency fails to fulfill its lawful obligation to comply with OSHA standards it should be subject to sanctions. However the Department of Labor and many State agencies currently lack the authority to issue citations to the Postal Service making enforcement very difficult. S. 2112 merely makes the Postal Service liable to the same extent as private employers for failure to comply with OSHA standards.

With regards to my colleague's comments earlier, there was talk about Section 5 of the act, and our side agrees that this is not a detriment to the Postal Service. Section 5 merely prohibits the Postal Service from raising the price of stamps to pay for potential OSHA fines that the Postal Service should be avoiding in the first place through improved working conditions. As a matter of fact, my only objection to this legislation is that it does not provide full or does not extend full OSHA protections to all public employees. However extending the full protection of OSHA to thousands of postal workers throughout the country is a worthy accomplishment, and this is a good first step.

I urge the Members to support S. 2112.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2112.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1245

RECESS

The SPEAKER pro tempore (Mr. PETRI). The House is awaiting the arrival of the managers of several bills that are scheduled, and therefore, will recess until 1 p.m.

Accordingly (at 12 o'clock and 49 minutes p.m.), the House stood in recess until 1 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 1 p.m.

□ 1300

HURFF A. SAUNDERS FEDERAL BUILDING

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2032) to designate the Federal building in Juneau, Alaska, as the "Hurff A. Saunders Federal Building," as amended.

The Clerk read as follows:

S. 2032

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

SECTION 1. DESIGNATION.

The Federal building located at 709 West 9th Street in Juneau, Alaska, shall be known and designated as the "Hurff A. Saunders Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Hurff A. Saunders Federal Building".

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

Mr. Speaker, Senate 2032, as amended, designates the Federal building located in Juneau, Alaska as the "Hurff A. Saunders Federal Building."

Hurff Saunders was a resident of Alaska who played an instrumental part in the House and State's history both as a territory and as a State. He originally came from South Dakota to Ketchikan, Alaska prior to World War II where he accepted a civilian position with the United States Coast Guard.

During the war, he played a critical role in the ability of the United States Navy and Coast Guard to navigate the North Pacific waters by correctly determining the latitude and longitude of various key aids to navigation that were misidentified on official charts at the time.

Following the war, Mr. Saunders returned to a civil engineering position with the Federal Government. In this position, he supervised several public works projects, completing the projects on schedule and within budget.

In 1966, just prior to his retirement, Mr. Saunders successfully completed his final federal construction project, the Juneau Federal Building, Post Office and United States Courthouse, which is the building we designate in his honor today.

This certainly is a fitting tribute to a dedicated public servant. I support the bill as amended and urge my colleagues to support it.

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

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

Mr. Speaker, S. 2032 is a bill to designate the Federal building in Juneau, Alaska as Hurff A. Saunders. Mr. Saunders was a lifelong Alaskan who helped write chapters of Alaskan history.

He was the civil engineer for the United States Coast Guard and in charge of constructing the Juneau Federal building, which was completed on budget and on schedule. Mr. Saunders later supervised the many public works projects for the territory and later for the State of Alaska. His work on correcting the navigational charts for the waters in southeast Alaska aided the Navy and the Coast Guard during World War II.

Mr. Saunders was widely respected and viewed as a dedicated public servant, a devoted father, and beloved husband who lived a full life and died peacefully at the age of 94.

Mr. Speaker, the city of Juneau and the Juneau Rotary Club both passed unanimous resolutions supporting this designation, also the American Society of Civil Engineers and the Society of Professional Engineers adopted resolutions urging this distinction be bestowed upon Mr. Saunders.

It is fitting, and in recognition of his outstanding contributions to Alaskan life, that the Federal building in Juneau, Alaska be designated the Hurff A. Saunders Building.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the Senate bill, S. 2032, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and Senate the bill, as amended, was passed.

The title was amended so as to read: "A bill to designate the Federal building located at 709 West 9th Street in Juneau, Alaska, as the 'Hurff A. Saunders Federal Building'.".

A motion to reconsider was laid on the table.

AARON HENRY UNITED STATES POST OFFICE

Mr. KIM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 892) to redesignate the Federal building

located at 223 Sharkey Street in Clarksdale, Mississippi, as the "Aaron Henry United States Post Office," as amended.

The Clerk read as follows:

H.R. 892

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

SECTION 1. DESIGNATION.

The Federal building located at 236 Sharkey Street in Clarksdale, Mississippi, shall be known and designated as the "Aaron Henry Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Aaron Henry Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. KIM) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. KIM).

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

Mr. Speaker, H.R. 892, as amended, designates the Federal building and the United States Courthouse located in Clarksdale, Mississippi, as the "Aaron Henry Federal Building and United States Courthouse."

Dr. Aaron Henry was a civil rights pioneer from the State of Mississippi. He was born in Clarksdale, Mississippi in 1921. He served in the United States Army, after which he returned to school and earned a degree in pharmacy from Xavier University in 1950.

In 1953, Dr. Henry organized the local branch of the NAACP and served as the State NAACP President from 1960 till 1993. He was instrumental in creating an integrated Democratic Party in Mississippi. He also participated in the Freedom Rider Movement which led to the passage of the Public Accommodations sections of the Civil Rights Act of 1964.

In 1979, Dr. Henry was elected to the Mississippi House of Representatives and held this office for two additional terms. On the national level, Dr. Henry assisted in securing Congressional support for the passage of the Office of Economic Opportunity, out of which came programs such as Head Start and Job Corps.

The naming of this Federal complex is a fitting tribute to a distinguished African American. I support the bill and urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time

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

Mr. Speaker, I rise to speak in favor of the Aaron Henry Federal Building and United States Courthouse. In doing so, I must say, Mr. Speaker, that I do so out of great and personal respect for a man with whom I worked with when I was a young woman in the civil rights movement.

When I went south in 1963 as a student in the Student Non-Violent Coordinating Committee, Aaron Henry, in Mississippi, was a fearless freedom fighter who every day risked his life simply by living through each day as the President of the NAACP as a pharmacist at a time when the State of Mississippi was known throughout the world for racial terrorism. This is a man who did as much as any man alive to bring the black and white Mississippians together.

As a young lawyer, I represented the Mississippi Freedom Democratic Party before the 1964 Democratic convention when the Freedom Democrats, blacks who were excluded from participation in the Democratic Party in the State, challenged the official Democratic Party and delegation. Aaron Henry was the cochair of that delegation. It says everything about our country and about Dr. Henry, that he lived to become the chair of the Mississippi Democratic Party itself.

H.R. 892 is a bill to designate the Federal building in Clarksdale, Mississippi, and the Aaron Henry Federal Building and United States Courthouse.

Dr. Aaron Henry was a civil rights pioneer, a thoughtful mentor, scholar and great humanitarian. He led an active, committed, exemplary life. After attending the local public schools in 1942, he joined the Army and was a veteran of World War II. After the war, he attended and graduated from Xavier University in New Orleans. In 1953, Dr. Henry organized the Coahoma County branch of the NAACP and served as the state NAACP president.

From 1960 to 1993, during the 1960s, he participated in the Freedom Rider movement and in the Mississippi Freedom Summer's nonviolent campaigns of public protest.

Dr. Henry served on numerous boards, such as the Executive Committee of the NAACP, the Federal Council on Aging and the Southern Christian Leadership Conference. Acknowledging his contributions as a civil rights leader in 1979, the citizens of Coahoma County elected him to the Mississippi House of Representatives, where he was reelected in 1983 and 1987.

Dr. Henry was instrumental in securing passage of legislation which created the Office of Economic Opportunity, and was a strong advocate and spokesman for the Job Corps and Head Start. Dr. Henry was an active member of the Haven United Methodist Church, serving as lay leader. He was committed to community, educational and civil issues throughout his rich life. It is most fitting and proper that we support the gentleman from Mississippi (Mr. THOMPSON) and honor the great contributions of Dr. Henry.

It gives me personal pleasure to urge the passage of this bill.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KIM) that the House suspend the rules and pass the bill, H.R. 892, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the Federal building located at 236 Sharkey Street in Clarksdale, Mississippi, as the 'Aaron Henry Federal Building and United States Courthouse'.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. KIM. 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. 892, the bill just passed.

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

There was no objection.

SENSE OF THE CONGRESS REGARDING SLOBODAN MILOSEVIC

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 304) expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes.

The Clerk read as follows:

H. CON. RES. 304

Whereas there is reason to mark the beginning of the conflict in the former Yugoslavia with Slobodan Milosevic's rise to power beginning in 1987, when he whipped up and exploited extreme nationalism among Serbs, and specifically in Kosovo, including support for violence against non-Serbs who were labeled as threats;

Whereas there is reason to believe that as President of Serbia, Slobodan Milosevic was responsible for the conception and direction of a war of aggression, the deaths of hundreds of thousands, the torture and rape of tens of thousands and the forced displacement of nearly 3,000,000 people, and that mass rape and forced impregnation were among the tools used to wage this war;

Whereas "ethnic cleansing" has been carried out in the former Yugoslavia in such a consistent and systematic way that it had to be directed by the senior political leadership in Serbia, and Slobodan Milosevic has held such power within Serbia that he is responsible for the conception and direction of this policy;

Whereas, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), Slobodan Milosevic is responsible for

the conception and direction of assaults by Yugoslavian and Serbian military, security, special police, and other forces on innocent civilians in Kosovo which have so far resulted in an estimated 300 people dead or missing and the forced displacement of tens of thousands, and such assaults continue;

Whereas on May 25, 1993, United Nations Security Council Resolution 827 created the International Criminal Tribunal for the former Yugoslavia located in The Hague, the Netherlands (hereafter in this resolution referred to as the "Tribunal"), and gave it jurisdiction over all crimes arising out of the conflict in the former Yugoslavia;

Whereas this Tribunal has publicly indicted 60 people for war crimes or crimes against humanity arising out of the conflict in the former Yugoslavia and has issued a number of secret indictments that have only been made public upon the apprehension of the indicted persons;

Whereas it is incumbent upon the United States and all other nations to support the Tribunal, and the United States has done so by providing, since 1992, funding in the amount of $54,000,000 in assessed payments and more than $11,000,000 in voluntary and in-kind contributions to the Tribunal and the War Crimes Commission which preceded it, and by supplying information collected by the United States that can aid the Tribunal's investigations, prosecutions, and adjudications;

Whereas any lasting, peaceful solution to the conflict in the former Yugoslavia must be based upon justice for all, including the most senior officials of the government or governments responsible for conceiving, organizing, initiating, directing, and sustaining the Yugoslav conflict and whose forces have committed war crimes, crimes against humanity and genocide; and

Whereas Slobodan Milosevic has been the single person who has been in the highest government offices in an aggressor state since before the inception of the conflict in the former Yugoslavia, who has had the power to decide for peace and instead decided for war, who has had the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who is once again directing a campaign of ethnic cleansing against innocent civilians in Kosovo while treating with contempt international efforts to achieve a fair and peaceful settlement to the question of the future status of Kosovo: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the United States should publicly declare that it considers that there is reason to believe that Slobodan Milosevic, President of the Federal Republic of Yugoslavia (Serbia and Montenegro), has committed war crimes, crimes against humanity and genocide;

(2) the United States should make collection of information that can be supplied to the Tribunal for use as evidence to support an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, and genocide a high priority;

(3) any such information concerning President Slobodan Milosevic already collected by the United States should be provided to the Tribunal as soon as possible;

(4) the United States should provide a fair share of any additional financial or personnel resources that may be required by the Tribunal in order to enable the Tribunal to adequately address preparation for, indictment of, prosecution of, and adjudication of allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo;

(5) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of information any such state may hold relating to allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo, and press such states to promptly provide all such information to the Tribunal;

(6) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of measures to be taken to apprehend indicted war criminals and persons indicted for crimes against humanity with the objective of concluding a plan of action that will result in these indictees' prompt delivery into the custody of the Tribunal; and

(7) the United States should urge the Tribunal to promptly review all information relating to President Slobodan Milosevic's possible criminal culpability for conceiving, directing, and sustaining a variety of actions in the former Yugoslavia, including Kosovo, that have had the effect of genocide, of other crimes against humanity, or of war crimes, with a view toward prompt issuance of a public indictment of Milosevic.

SEC. 2. The Clerk of the House of Representatives shall transmit a copy of this resolution to the President.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Indiana (Mr. HAMILTON) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

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

Mr. Speaker, for most of this year, we have witnessed a repeat of the carnage and the havoc that the world experienced during the conflict in the former Yugoslavia at the beginning of the decade. Some people, not this Member, had a degree of optimism with the signing of the Dayton Peace Agreement some 3 years ago. However, now once again we are faced with the tragic spectacle of hundreds of thousands of innocent civilians made homeless, towns and villages in ruins, unknown numbers of persons dead or missing in Kosovo.

The architect of this misery is of Slobodan Milosevic, the very same individual who produced the Bosnian tragedy or at least contributed mightily to it and presided over the dissolution of what was once Yugoslavia, who brought poverty and misery to his own Serbian people by his policy and actions and who has sown the seeds of strident nationalism throughout the Balkans. Yet, despite this disgraceful record and his undeniable responsibility for what has occurred in the former Yugoslavia and what continues to this very day, the international community has been hesitant to indict Milosevic for crimes at the International Criminal Tribunal for the former Yugoslavia, ICTY.

The distinguished chairman of our Subcommittee on International Operations and Human Rights, our distinguished colleague, the gentleman from New Jersey (Mr. SMITH), has introduced a resolution that simply puts the Congress on record that if anyone deserves to be indicted, it is Slobodan Milosevic.

□ 1315

An identical measure, S. Con. Res. 105, passed the Senate in July. We need to put Milosevic, and others who may be responsible for the savagery in Kosovo, on notice that they cannot escape culpability. It is important that Milosevic fully understands that the Congress is supportive of U.S. efforts to curb his vicious assaults on ethnic Albanian civilians in that area. Whatever his reasons, wanton attacks on civilians constitutes a grave breach of international law.

Our chairman, the distinguished gentleman from New York (Mr. GILMAN) has also called upon Secretary Albright to provide whatever collaborative information the U.S. might possess regarding any atrocities in Kosovo. The gentleman from New York (Mr. GILMAN) is requesting a review of the options, that the administration is prepared to pursue to make Mr. Milosevic cooperate with the international efforts to provide humanitarian assistance to those in need in Kosovo, and to permit displaced persons to return to their homes in safety.

Mr. Speaker, I understand Chairman GILMAN is awaiting the Secretary's response in view of the mounting severity of the situation and the approach of winter. Unless the United States and the international community acts swiftly in the next few weeks, we face the prospect of hundreds of thousands of displaced persons, women, children, and the elderly, becoming ill and dying in the cold which will soon set in the mountains of Kosovo.

Mr. Speaker, this is unacceptable, of course, and we must act now to prevent such a catastrophe. It is imperative that the House join our colleagues in the Senate and agree to this resolution today in order to send a strong message that Milosevic is accountable. I urge my colleagues to unanimously support H. Con. Res. 304.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. SMITH) the author of the resolution.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from Nebraska (Chairman Bereuter), my good friend, for his excellent remarks and for yielding me this time.

Mr. Speaker, the newspapers each day report on the brutality and the military attacks on the civilians in Kosovo, and the prospects of a rising

death toll are more and more likely unless we press for a cease-fire and make certain that Milosevic understands that we will not allow the situation to drag on and on.

The news from the Kosovo front seems like deja vu, reminiscent of the wars in Croatia and Bosnia. The common thread in all of this destruction and war is Slobodan Milosevic. Today, Congress can go on record. Slobodan Milosevic must be held accountable for war crimes against humanity and genocide. The United States leadership must not ignore the compelling case of complicity which has been compiled against Milosevic.

In the prima facie case for Milosevic's indictment prepared by Paul Williams and Norman Cigar, they conclude that this, and I quote, "is a compelling and legal factual case that Slobodan Milosevic, through forces and agencies under his control, is responsible for directing and aiding and abetting war crimes on an extensive scale."

The prima facie case focuses on evidence from years of both the Croatian war and the Bosnian war. Mr. Williams directs the Public International Law and Policy Program at the Carnegie Endowment for International Peace, and Dr. Cigar, a research fellow at the Balkan Institute, was professor of national security studies at the U.S. Marine Corps School of Advanced Warfighting in Quantico, Virginia, and a senior political-military analyst for the Army Staff at the Pentagon. For the benefit of my colleagues, I submit a summary of their statement for the RECORD:

WAR CRIMES AND INDIVIDUAL RESPONSIBILITY: A PRIMA FACIE CASE FOR THE INDICTMENT OF SLOBODAN MILOSEVIC

(Prepared by Paul Williams and Norman Cigar, The Balkan Institute)

EXECUTIVE SUMMARY

When queried as to whether Slobodan Milosevic is ultimately responsible for the widespread and systematic atrocities that have been committed in the former Yugoslavia, most policy-makers will readily indicate that of course everyone "knows" that Slobodan Milosevic is responsible for the worst atrocities to plague Europe since WWII. They often add, however, that there is simply no "proof" that he ordered the commission of these atrocities.

Recognizing that it is not possible to orchestrate ethnic cleansing and genocide on the scale that has occurred in the former Yugoslavia without leaving some proof of one's responsibility, this study seeks to examine whether there is sufficient information available in the public domain to establish a prima facie case that Slobodan Milosevic is individually responsible for the commission of war crimes in the former Yugoslavia.

In order to ascertain Slobodan Milosevic's individual responsibility for war crimes, this study does not seek to develop any creative legal devices for attaching liability, but rather limits itself strictly to legal avenues as set forth in the statute, rules of procedure and evidence, and the previous indictments of the International Criminal Tribunal for the Former Yugoslavia. Similarly, the study relies upon information that is widely available in the public domain, including accounts from senior Serb paramilitary leaders—such as "Arkan" and Vojislav Seselj—and officials in Slobodan Milosevic's own government, as well as information collected by international organizations and foreign governments.

Based upon an examination of the legal precedent of the International Criminal Tribunal and the publicly available evidence, this study concludes that there is a compelling legal and factual case that Slobodan Milosevic, through forces and agencies under his control, is responsible for directing and aiding and abetting war crimes on an extensive scale. Specifically;

Yugoslav Federal and Republic of Serbia forces and agencies and their paramilitary agents committed widespread atrocities in Croatia and Bosnia against both civilians and prisoners of war. These atrocities included the criminal acts of killing, expulsion, rape, detention in concentration camps, forced labor, torture, mutilation, and the looting and destruction of property. All of these acts were perpetrated on a large scale, and often with severe brutality.

Slobodan Milosevic, by virtue of his formal positions and informal power base, exercised power, influence, and control over the Yugoslav Federal and Republic of Serbia forces and agencies and their paramilitary agents responsible for the commission of war crimes.

By virtue of Slobodan Milosevic's official and/or effective control over forces responsible for the commission of war crimes, he may be held individually responsible for ordering, planning, or instigating those crimes.

By virtue of Slobodan Milosevic's official and/or effective control over Serbian Republic forces and agencies, such as Serbia's Ministry of Defense and Ministry of Internal Affairs, that were active in the initial organization of Serbian paramilitary agents, including the provision of financial resources and weapons, and that provided their paramilitary agents with access to Croatia and Bosnia, Slobodan Milosevic may properly be held individually responsible for the war crime of aiding and abetting the commission of war crimes.

Slobodan Milosevic, as the superior authority over Yugoslav Federal and Republic of Serbia forces and agencies, is individually responsible for failing to prevent or punish their commission of war crimes.

This study therefore finds that it is possible and reasonable to construct a *prima facie* case for the indictment of Slobodan Milosevic for the commission of war crimes in the former Yugoslavia.

Mr. Speaker, the evidence of war crimes, brutal killings, and other atrocities in Kosovo is, as I said, mounting with each and every passing day.

Assistant Secretary of State for Democracy, Human Rights and Labor, John Shattuck, just returned in recent days from Kosovo. He makes a compelling case that, and I quote, "there is substantial evidence of war crimes and crimes against humanity, and violations of international humanitarian law * * * [which are] * * * subject to the jurisdiction of the International Criminal Tribunal for the former Yugoslavia."

Mr. Shattuck was accompanied by former Senator Bob Dole, head of the International Commission on Missing Persons in the former Yugoslavia. In Mr. Dole's opinion editorial printed in today's Washington Post, he reminds us that "American officials have pledged not to allow the crimes against humanity that we witnessed in Bosnia to be repeated in Kosovo. From what [Mr. Dole] has seen, such crimes are already occurring," as he writes in the op-ed today. In fact, I would like to submit his very moving piece for the RECORD as well.

Mr. Speaker, Mr. Dole recounts a scene that is reminiscent of my own experience with Mr. Milosevic when the gentleman from Virginia (Mr. WOLF) and I met with him in Belgrade in September of 1991. At that time, Milosevic claimed that Yugoslav forces were not sending military jets to threaten and bomb Croatia, and yet both the gentleman from Virginia and I had personally witnessed overflights by two Yugoslav MIG fighters a couple of days before in the besieged town of Vukovar. In fact, in order to get to that town, we had to go through a corn field because it was surrounded by tanks and artillery and snipers. We saw devastated schools and churches and homes that had been leveled in a "scorched earth" policy. A couple of days later when we met with Mr. Milosevic, he denied it all and we had been eyewitnesses to it all.

Mr. Dole, in a like fashion, reports that Milosevic denied any Serbian offensives were being planned or undertaken for Kosovo. Not 24 hours after Mr. Dole and Mr. Shattuck departed, Serbian troops began a destructive offensive in the region of Pec. Milosevic thinks he can get away with lying. Certainly to date, the Serbian forces have escaped the scrutiny of the International Criminal Tribunal, and we need to make sure that does not continue to happen.

Mr. Speaker, the chief prosecutor, Louise Arbour, has already stated that the "nature and scale of the fighting [in Kosovo] indicate that an armed conflict, within the meaning of international law, clearly exists in Kosovo." As a consequence, she has said she intends to bring charges for crimes against humanity or war crimes if such evidence is established.

Mr. Speaker, I believe the case for the commission of war crimes will be made easily when the political will is established to proceed down that path, and so far that has been lacking. While the resolution we are considering today focuses on Milosevic and his culpability, there are a multitude of others who are on the run, some in Serbia. Even in recent weeks the Department of State has publicly admitted the United States has reason to believe that Mladic is in Serbia and the United States continues to pressure Milosevic to surrender the three Yugoslav military members who were indicted by the

Tribunal for their involvement in the destruction and crimes in Vukovar.

Mr. Speaker, Milosevic needs to get the message loudly and clearly. The resolution calls for the U.S. to collect and provide evidence of Milosevic's culpability to the International War Crimes Tribunal, and to date, to the best of our knowledge, we have not done so. The measure affirms Congress' support for the Tribunal and calls on the U.S. to engage our NATO allies in the provision of evidence helpful in the work of the Tribunal.

Mr. Speaker, I would alert Members that we are working to have a hearing on what is going on in Kosovo in the Helsinki Commission on Thursday. We hope to have Mr. Dole and Mr. Shattuck testify. We are working on the details of that right now.

This resolution, which I hope will pass unanimously, will put us clearly on record as saying let us collect that evidence and get it to the Tribunal. Let us stop putting the evidence aside, which is what we have been doing for all of these months and years with regard to Milosevic.

Mr. Speaker, innocent civilians—women, children, and men—are losing their lives, their livestock, their homes and their hope. We are getting reports that Serbian forces are attacking and killing civilians and then food supplies are being destroyed and crops in the field are being torched. A couple of weeks ago, three members of the Mother Theresa Society who were driving tractors and trailers filled with relief supplies were killed when attacked by a Serbian armored vehicle. Serbian officials had shortly before cleared the relief vehicles at a checkpoint. The relief had been provided by Doctors of the World which has since announced suspension of its assistance in Kosovo.

The Christian Science Monitor quoted a Kosovar school teacher, "First the police destroyed and looted our houses * * * Then they surrounded us with tanks and separated the men from the women and children. They beat the men and took them away." With the blockade of humanitarian assistance and the scorched earth policies of the armed forces, food and provisions are being used as weapons of the war.

Mr. Speaker, I agree with Mr. Dole that Kosovo "is a political and military crisis, whose most visible symptoms are humanitarian. There should be no doubt that this is a war against civilians for political purposes." Just last week, Julia Taft, Assistant Secretary of State for Population, Refugees and Migration estimated that we will see 100,000 to 200,000 casualties in the next few months if the fighting and attacks are not brought to an abrupt end. With winter approaching, the hundreds of thousands of homeless and the estimated 50,000 or so who are living in the fields and forests will be particularly vulnerable. The numbers will only escalate.

I encourage the House to unanimously approve the resolution before us.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume only to commend the gentleman from New Jersey (Mr. SMITH) on his excellent statement and on his initiative.

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

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

Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. SMITH) for his leadership on this issue, and I am proud to join in support of this resolution.

Mr. Speaker, I think it is important we provide some background as to how the Congress got to the point where we are now considering declaring the President of Yugoslavia a war criminal. This process took many years.

It was years ago, visiting the Province of Kosovo, that I met time and time again with a frail, peace-loving scholar of enormous capabilities and deep convictions, Dr. Ibrahim Rugova, who was and continues to be the leader of the ethnic Albanian community in Kosovo. This was at a time when the problems of Kosovo could have been worked out peacefully without bloodshed, without the vast numbers of innocent victims, without the hundreds of thousands of refugees. But, Slobodan Milosevic's ruthless, reckless, irresponsible behavior brought us to the point of a bloodbath in Bosnia and now a bloodbath in Kosovo.

Fairness compels us, Mr. Speaker, to state categorically that Slobodan Milosevic is not the only person guilty of war crimes in the former Yugoslavia. There is plenty of guilt to go around and some leaders of all of the ethnic groups qualify for that designation. But today we are dealing with Slobodan Milosevic, the Yugoslav communist dictator who richly deserves to be branded a war criminal by the Congress of the United States.

Mr. Speaker, I also want to express my personal appreciation to former Senator Bob Dole for having visited this region just within the last week or so, demonstrating his continued commitment to human rights and the creation of democratic societies in the Balkans.

The United States, in this resolution, publicly declares that there is reason to believe that Slobodan Milosevic, President of the Federal Republic of Yugoslavia, has committed war crimes, crimes against humanity, and genocide.

These, unfortunately, are incontrovertible facts, and I join the gentleman from New Jersey (Mr. SMITH) in expressing the hope that this body will approve this resolution unanimously.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I want to thank the gentleman from California (Mr. LANTOS), my good friend and colleague, the ranking member of the Subcommittee on International Operations and Human Rights, for his very eloquent statement. Sometimes there are differences of opinion, Democrats and Republicans. But when it comes to human rights, we do link arm and arm. We have worked very well together over the years, and nowhere is that more apparent than in the Balkans and now with Kosovo being an area under siege.

Mr. Speaker, people literally are dying by the thousands. Refugees are in flight across and through Albania and elsewhere. I think we need to send as clear a message. Milosevic is laughing in our face. He has gotten away with it before. He has been, quote, our partner in peace at the Dayton Peace Accords. Regrettably, he gained stature through that and his gross misdeeds have been put under the table.

This resolution, and the fact that it has passed on the Senate side as well, I think puts everyone on notice that we will push hard until he is brought to justice. And I want to thank the gentleman from California (Mr. LANTOS) for his excellent statement.

Mr. LANTOS. Mr. Speaker, we have no further speakers, and I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume, simply to conclude by saying congratulations and to commend the gentleman from New Jersey (Mr. SMITH) for sponsoring this legislation. He has brought to bear his considerable knowledge and experience in this region in an extraordinary fashion, working very cooperatively with the gentleman from California (Mr. LANTOS) and other colleagues.

Joining the gentleman from California (Mr. LANTOS) as original cosponsors were the gentleman from Illinois (Mr. PORTER) the gentleman from New Jersey (Mr. SMITH), the gentleman from Hawaii (Mr. ABERCROMBIE), the gentlewoman from Florida (Ms. BROWN), the gentleman from Ohio (Mr. BROWN), the gentleman from Maryland (Mr. CARDIN), the gentleman from Ohio (Mr. HALL) and others.

So, Mr. Speaker, I do thank my colleagues, and to the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) I say thank you for your excellent work. I urge my colleagues to give their unanimous support to this resolution.

Mr. GILMAN. Mr. Speaker, for most of this year we have witnessed a repeat of the carnage and havoc that the world experienced during the conflict in the former Yugoslavia at the beginning of this decade. We took some pride when we believed that conflict to have been ended with the signing of the Dayton Peace Agreement some three years ago. Now, once again, we are faced with the tragic spectacle of hundreds of thousands of innocent civilians made homeless, towns and villages in ruins, unknown numbers of persons dead or missing in Kosovo.

The architect of this misery is Slobodan Molosevic, the very same individual who produced the Bosnian tragedy, and who presided over the dissolution of what was one Yugoslavia; who brought poverty and misery to his own Serbian people, and who has sown the seeds of strident nationalism throughout the Balkans.

The distinguished Chairman of our Subcommittee on International Operations and Human Rights, the gentleman from New Jersey, CHRIS SMITH has introduced a Resolution that puts the Congress on record that if anyone deserves to be indicted it is Slobodan Milosevic. An identical measure, S. Con. Res. 105, passed the Senate in July. We need to put Milosevic and others who may be responsible for the savagery in Kosovo on notice that they cannot escape culpability.

I commend to everyone's attention the article by Senator Bob Dole in the Op-Ed section of today's Washington Post. Senator Dole just returned from a fact-finding mission in Kosovo. I quote from his article, "The war in Kosovo has many of the worst characteristics of the war in Bosnia. The primary victims of Serbian attacks are civilians. Humanitarian workers are denied access and often harassed and attacked. But it is not just the situation on the ground that is hauntingly familiar; it is also American and European diplomacy."

"Once again the victims are being asked to negotiate with those who are attacking them. In addition, there is an active attempt to impose a moral equivalence between Serbian forces and the small band of Albanians who have taken up arms against them."

I have written today to President Clinton the following letter:

DEAR MR. PRESIDENT: The on-going conflict in Kosovo has produced over a quarter of a million refugees and internally displaced persons—women, children and the elderly—who have been driven from their homes by a brutal Serbian campaign that has haunting similarities to what occurred in Bosnia earlier this decade. The President of Serbia and Montenegro, Slobodan Milosevic, has failed to keep his pledges and assurances throughout the course of this year to U.S. and other diplomats to permit these people to return in safety to their homes. Now, as the winter is fast approaching, we are facing an impending humanitarian disaster with the real prospect of seeing tens of thousands of vulnerable people freezing to death on the mountains and in the forests of Kosovo.

Mr. President, you have said that the United States would not permit another Bosnia to occur in the Balkans. I am appealing to you now, before it is too late, to keep faith with that commitment. It is imperative that the United States, with or without other members of the international community, act to force Milosevic to end his barbaric policies aimed at civilians in Kosovo. What we are witnessing now is not a diplomatic, political or military problem, it is a humanitarian one and we should address it on that basis.

As Senator Bob Dole has written in today's edition of the Washington Post:

"Half-measures and interim deals will not do. * * * American officials have pledged not to allow the crimes against humanity that we witnessed in Bosnia to be repeated in Kosovo. * * * What is urgently needed now is American leadership and a firm commitment to a genuine and just peace."

It is important that Milosevic fully understands that the Congress is supportive of U.S. efforts to curb his vicious assaults on Albanian civilians. Whatever his reasons, wanton attack on civilians constitutes a grave breach of international law.

It is critical, therefore, that the House joins our colleagues in the Senate and agree to this resolution today in order to send a strong message that Milosevic is accountable. Accordingly, I urge our members to support House Concurrent Resolution 304.

Mr. MORAN of Virginia. Mr. Speaker, with so much legislative business left to conduct this session, there may be some who are wondering why we should care about Slobodan Milosevic.

We should care because on March 23, 1989, Slobodan Milosevic unilaterally changed the Yugoslav Constitution, revoking the autonomous status of Kosova.

We should care because, in a referendum held in 1989, 87 percent of those Kosovars eligible to vote approved independence by an overwhelming 99 percent.

We should care because two of the most devastating wars in history began in the Balkans.

But most importantly, Mr. Speaker, we should care because Slobodan Milosevic has initiated his second genocidal campaign to maintain his dictatorship through terror.

When Milosevic sought to tighten his grip in Bosnia the world stood by and watched. We watched as Milosevic drove three million Bosnians from their homes. We watched as Milosevic ordered the killing of more than 250,000 Bosnians. And we watched as Milosevic directed the rape of 40,000 Bosnian women and girls.

How long will we watch in Kosova?

Although 90 percent of Kosovars are ethnically Albanian, Milosevic has denied them entry to schools, he has denied them access to jobs, and he has denied them access to government. By instituting his own police force, he has entrenched his generals of genocide in every Kosovan community.

A recent Washington Post story tells of one home in Kosova. The home was burning to the ground. Reporters saw Milosevic's police force running from the scene. When asked how the fire started, one officer grinned and replied that the house was burning "Because it was made of wood."

The Butcher of Belgrade is at it again. By inciting the worst elements of Serbian nationalism and by exploiting existing tensions between Albanians and Serbs, Milosevic has driven as many as 200,000 Kosovars from their homes. Mass graves are again common in the Balkans. Civilians are being butchered when they can be caught and terrorized when they escape.

There can be no doubt that Milosevic has proven he is unworthy of stewardship over this place. It is incumbent upon us to ensure that he is held accountable for these atrocities and that he never commits them again.

Mr. Speaker, if we believe people have the right to be safe and secure in their homes—if we believe people have the right to live free from the fear of being murdered or raped because of their race—then we must stop this madman.

I urge my colleagues to join me in strong support of this resolution.

Mr. LEVIN. Mr. Speaker, I strongly support House Concurrent Resolution 304, which expresses the sense of Congress that the United States should publicly declare that it considers there to be probable cause that Slobodan Milosevic has committed war crimes, crimes against humanity and genocide. The resolution urges the International Criminal Tribunal for the former Yugoslavia to promptly review all information relating to Milosevic's possible criminal culpability with a view toward issuing an indictment. I am proud to be a cosponsor of this resolution

Mr. Speaker, there is no justification for the massacre of hundreds of ethnic Albanians in Kosova. The pattern in Kosova is tragically all too familiar. The Serbian Army shells and burns villages. Among the dead are innocent men, women and children. More than a quarter of a million people in Kosova have already been driven from their homes since February. In addition, the U.S. government has received first-hand reports that Yugoslav military forces are separating males and females in villages and refugee groups in Losova and taking the men and boys to unknown sites.

This brutal, indiscriminate, disproportionate and unjustified use of violence must end. What Mr. Milosevic is about in Kosova, as in Bosnia before this, is ethnic cleansing on a massive scale.

It is important that the international community stand united against death and destruction inflicted on Kosova by Serbia. The crisis in Kosova is not—as some have described it—an "internal affair" of Serbia. We must speak loudly and clearly. More than that, the time has come to back up words with actions. If the United States and the international community fail to take effective action to stop the violence in Kosova, the likelihood is that the conflict will grow and spread.

I urge the President and Secretary Albright to take a hard line against Slobodan Milosevic's repressive policies. To that end, I recently joined more than 80 concerned Members of the House in writing a letter to the President that said, "It is time to send a message to Milosevic that NATO will intervene if Serbian forces do not stop attacking ethnic Albanian citizens and destroying their villages."

Experience has shown that we cannot rely on Slobodan Milosevic's words. We must judge him by his actions and hold him accountable. House Concurrent Resolution 304 is an important step in that direction. It should by no means be the last step.

The horrendous killing and shelling of civilians must stop. I urge all my colleagues to support House Concurrent Resolution 304.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 304.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceeding on this motion will be postponed.

□ 1330

CALLING ON GOVERNMENT OF CUBA TO EXTRADITE JOANNE CHESIMARD TO UNITED STATES

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 254) calling on the Government of Cuba to return to the United States convicted felon Joanne Chesimard and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba, as amended.

The Clerk read as follows:

H. CON. RES. 254

Whereas on May 2, 1973, Joanne Chesimard and 2 friends were stopped in their vehicle by New Jersey State Troopers James Harper and Werner Foerster on the New Jersey Turnpike;

Whereas while being questioned, Ms. Chesimard and the driver opened fire with automatic pistols striking Trooper Werner Foerster twice in the chest and Trooper James Harper in the left shoulder;

Whereas the suspects then turned Trooper Foerster's own weapon on him firing an additional two bullets into his head execution style;

Whereas this heinous and premeditated act resulted in the tragic death of New Jersey State Trooper Werner Foerster;

Whereas Trooper Foerster left behind a wife, Rose Foerster, and family;

Whereas in 1977, after a 6 week trial, a jury found Ms. Chesimard guilty of first-degree murder for the slaying of Trooper Foerster, a respected New Jersey State Trooper;

Whereas as a result of this conviction Ms. Chesimard was sentenced to life in a New Jersey State prison;

Whereas in 1979, Ms. Chesimard broke free from a maximum security cell at the Reformatory for Women in Clinton, New Jersey, with the help of 4 men who took a guard and prison van driver hostage;

Whereas after escaping prison, Ms. Chesimard fled to Cuba for political asylum;

Whereas the Federal Bureau of Investigation lists 77 felony fugitives known to have been granted safe haven by the Cuban Government, including Robert Vesco, Frank Terpil, and Victor Gerena, wanted for, or convicted of, violent crimes, including murder, robbery, kidnapping, air piracy, and terrorism;

Whereas these individuals have been indicted or convicted of criminal offenses in the United States and have not paid their debt to society;

Whereas people in New Jersey were shocked and outraged to see television interviews showing Ms. Chesimard living freely in Cuba, portraying herself as the victim and denying any crimes against Trooper Foerster;

Whereas the Governor of New Jersey, Christine Whitman, has requested Federal assistance from Attorney General Janet Reno for the return of Ms. Chesimard; and

Whereas Members of Congress have petitioned Secretary of State Madeleine Albright requesting that the Department of State do everything in its power to have Joanne Chesimard, and all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba, returned to the United States in order for them to face prosecution or confinement in the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the Government of Cuba should extradite to the United States convicted murderer Joanne Chesimard in order for her to complete her life sentence for the murder of New Jersey State Trooper Werner Foerster;

(2) the Government of Cuba should extradite to the United States all other individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba in order for them to face prosecution or confinement in the United States; and

(3) the extradition from Cuba to the United States of all individuals who have fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living in Cuba should be a top priority for the United States Government.

The SPEAKER pro tempore (Mr. PETRI). Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS), each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

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

I strongly support this resolution which calls on the Cuban regime to return Joanne Cheismard to the United States. It is shameful and unacceptable that Fidel Castro continues to harbor murderers and other hardened criminals like Ms. Chesimard. The victims of her crime, New Jersey State trooper Werner Foerster and his widow Rose and their family, have been denied justice by Fidel Castro.

In approving this resolution, the committee made an amendment which underscores that "the Federal Bureau of Investigation lists 90 felony fugitives known to have been granted safe haven by the Cuban government." These include Robert Vesco, Victor Gerena, who is on the FBI's top 10 most wanted listed, and Trank Terpil, a rogue CIA agent wanted for selling explosives to Libyan dictator Mu'ammar Qadhafi.

I commend the gentleman from New Jersey (Mr. FRANKS) for sponsoring this resolution. Our colleague on the committee, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is a cosponsor, as is the gentleman from Florida (Mr. DIAZ-BALART); in addition, the gentleman from New Jersey (Mr. MENENDEZ) who is also a member of our committee. They have been steadfast advocates for the Foerster family, and I thank them for their efforts.

I would additionally like to thank New Jersey Governor Christine Todd-Whitman for exercising personal leadership in pressing for the passage of this resolution calling on the Cuban government to see that justice is done for the Foerster family. This terrible tragedy dragged on far too long, due exclusively to Fidel Castro's intransigence. Accordingly, I urge my colleagues to join me in supporting H. Con. Res. 250.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume, and I rise in strong support of H. Con. Res. 254, calling on the government of Cuba to return to the United States convicted felon Joanne Chesimard and all other individuals who fled the United States to avoid prosecution or confinement for criminal offenses and who are currently living freely in Cuba.

Providing a safe haven for fugitives from prosecution in the United States is one of the many concerns that we had with the government of Cuba. The case of Joanne Chisemard is particularly egregious and we are right to call this body's attention to it. Chesimard was sentenced to life for the murder of a New Jersey State trooper. She escaped from prison, fled to Cuba where she is currently living.

I strongly urge the adoption of this resolution, Madam Speaker.

Madam Speaker, I reserve the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), who has been very much involved in this issue as well.

Mr. SMITH of New Jersey. Madam Speaker, I thank the gentleman for yielding me the time.

I am very proud to be one of the cosponsors of H. Con. Res. 254, which condemns the government of Cuba for harboring Joanne Chesimard and other fugitives who have committed brutal crimes in the United States. I want to thank my good friend and colleague, the gentleman from New Jersey (Mr. FRANKS) for introducing this important resolution and working for its passage.

As most of us here know, Joanne Chesimard was convicted in 1977 of first degree murder and sentenced to life in prison for her brutal execution style murder of trooper Foerster. She escaped from jail in 1979 and subsequently fled to Cuba where she was given political asylum. This escaped murderer now lives a very comfortable life in Cuba and has launched a public relations campaign in which she attempts to portray herself as an innocent victim rather than a cold-blooded murderer.

The protection Chesimard and others enjoy in Cuba is yet another example of the lawlessness of the Castro dictatorship. The only truly satisfactory solution is democracy and self-determination for the people of Cuba. In the

meantime, however, I believe it is shameful that the Clinton administration has made deal after deal with the Castro government, giving concession after concession, while Chesimard and other felons are living the high life in Havana.

I would like to thank members of the Committee on International Relations. They backed some amendments that I had offered during markup which changed some of the wording. The bottom line is we need to make sure that we bring these murderers and felons, and there are many of them, to justice. For the family, the Foerster family, that lost its loved one, we will not rest until she is behind bars where she belongs for the rest of her life.

I want to thank, again, my good friend, the gentleman from Jersey (Mr. FRANKS) for offering this. I hope that it will get the full support of the body.

Mr. FRANKS of New Jersey. Madam Speaker, I rise today to urge my colleagues to support the passage of H. Con. Res. 254, a resolution which I introduced on March 30.

It calls upon Fidel Castro, the dictator of the imprisoned island of Cuba, to return to the United States all the fugitives from American justice that he is harboring in his country.

Under Castro, Cuba has become a haven for terrorists, murderers, rapists, kidnappers and drug dealers who have sought refuge in Cuba in order to avoid prosecution and imprisonment in the United States. According to the FBI, there are now 77 American fugitives living in Cuba.

Let me tell you about one of them.

Earlier this year, I was shocked to turn on the local television news and see Joanne Chesimard, a cold-blooded cop killer, living freely in Cuba.

Twenty-five years ago, Joanne Chesimard gunned down two state troopers on the New Jersey Turnpike. After firing at Trooper Werner Foerster and hitting him twice in the chest, Chesimard grabbed the trooper's gun and fired two more bullets execution-style into his head.

Six years later—after serving just two years of a life sentence for first-degree murder—a group of revolutionaries assisted her in a daring and successful escape. She has been given a new, comfortable life in Cuba—thanks to Fidel Castro.

It's a tragic irony that while some of America's most vicious killers live comfortable lives in Cuba, many of Cuba's own natives languish in prisons merely for speaking out against the communist dictatorship.

This resolution sends a strong message to Castro: Return Joanne Chesimard and all the other felons you are harboring. They must be returned to the United States so that they can be sent to prison in order to serve out their full sentences and repay their debt to society.

Mrs. ROUKEMA. Madam Speaker, I rise today in strong support of H. Con. Res. 254.

Twenty-five years ago, in 1973, Joanne Chesimard ruthlessly gunned down two New Jersey State Troopers on the New Jersey Turnpike.

She approached one of the wounded Troopers, who laid bleeding and dying, grabbed his own gun and fired two shots, point-blank, execution style in the back of his head.

Chesimard was captured and convicted of this brutal murder and sent to prison.

She broke out of prison and now lives freely in Cuba just 90 miles off the U.S. coast.

She is not alone, many other convicted felons live in Cuba. This Resolution calls for justice to be served. It demands that Castro extradite Chesimard and other criminals so they can face justice in the U.S.

Justice must be served. It is cruel and morally wrong for Cuba to allow a safe harbor for these criminals while Cuba has sent its own religious leaders to suffer in prison.

I stand united with the families of the slain, the New Jersey State Police, and all citizens of New Jersey in demanding Cuba return Joanne Chesimard.

I strongly urge my Colleagues to support this resolution.

Mr. PAPPAS. Madam Speaker, on May 2, 1973 a terrible tragedy occurred in the State of New Jersey when Joanne Chesimard killed New Jersey State Trooper Werner Foerster leaving behind his wife and family. Ms. Chesimard was sentenced to life in prison for this heinous crime in our state and rightly so. But she escaped and fled to Cuba where she has the high life. She sips pina coladas, walks on the white sandy beaches, and swims in the crystal clear water. This is a grave injustice.

This is wrong and our government must do everything in its power to bring her back to serve out her sentence. Instead, the Clinton administration talks of easing the embargo knowing that Cuba is harboring violent criminals.

Fugitives such as Chesimard are cowards and for Cuba to invite them in and treat them like royalty is clearly wrong. I urge Secretary Albright and Attorney General Reno to do all they can to bring these criminals back to the U.S. to face justice.

I co-sponsored this legislation because I want our government to use all means possible to pressure Cuba to return Ms. Chesimard and every other criminal which Cuba harbors. We must fight for justice.

I commend Congressman FRANKS and Governor Whitman for being such strong advocates of this cause and I welcome the passage of this legislation.

Mr. GILMAN. Madam Speaker, it is the time to send a unequivocal signal to Fidel Castro that the United States Congress finds his regime's harboring of terrorists, murderers and other hardened criminals wanted in the United States shameful and unacceptable.

H. Con. Res. 254 draws attention to the cold-blooded murder twenty-five years ago of a New Jersey State Trooper, Werner Foerster. Joanne Chesimard was convicted of this heinous murder but, in 1979, escaped to Cuba.

Joanne Chesimard now lives under Fidel Castro's protection in Cuba. Back in New Jersey, Trooper Foerster's widow and family are denied the justice of seeing the woman who took him from them pay for her crime.

This is not an isolated case. Our Federal Bureau of Investigation lists 90 felony fugitives known to have been granted safe haven by the Cuban government.

This resolution has broad bipartisan support. The gentleman from New Jersey, Mr. FRANKS sponsored this resolution with our colleague on the Committee, the gentlelady from Florida, Ms. ROS-LEHTINEN and the gentleman from Florida, Mr. DIAZ-BALART. the gentleman from New Jersey, Mr. MENENDEZ, who is also a member of our Committee, has for years supported the Foerster family's efforts to bring Joanne Chesimard back to the United States to serve her sentence.

I would like to recognize New Jersey Governor Christine Todd-Whitman who wrote to me to ask that we pass this resolution.

Just today, we have had another sobering reminder of Fidel Castro's undiminished efforts to attack American interests. the FBI announced in Miami that ten people have been charged with spying for the Cuban government by trying to penetrate our Miami-based U.S. Southern Command, MacDill Air Force Base in Tampa, and the Boca Chica Naval Air Station in Key West.

The FBI reports that Castro's spies also sought to infiltrate Cuban-American groups and manipulate other political groups and the U.S. media.

Accordingly, I urge my colleagues to join me in supporting H. Con. Res. 254.

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

Mr. BEREUTER. Madam Speaker, I urge unanimous support for this resolution, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 254, as amended.

The question was taken.

Mr. BEREUTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROMOTING INDEPENDENT RADIO BROADCASTING IN AFRICA

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 415) to promote independent radio broadcasting in Africa

The Clerk read as follows:

H. RES. 415

Whereas Africa's numerous ethnic groups, with an estimated 2,000 languages and dialects, have long been isolated from each other;

Whereas radio is the primary means of transmitting vital information in Africa and linking African populations;

Whereas poverty, illiteracy, and logistical difficulties make television and the print media less utilized means of communication;

Whereas radio is not only compatible with Africa's oral traditions, but has the added benefit of being affordable and adaptable;

Whereas African radio stations generally are owned and operated by governments, which being aware of radio's power often

deny or delay applications for proposed independent radio stations, harass officials or staff of independent radio stations, or close independent radio stations;

Whereas 53 independent journalists in Africa have been killed over the past 8 years, 42 other journalists were imprisoned last year alone, and hundreds of others have been threatened, harassed, or even physically assaulted;

Whereas standards of journalistic professionalism often are low in Africa, which causes problems of accuracy in reporting that often lead governments to overreact and apply repressive legal remedies against the media, including radio broadcasts;

Whereas biased government radio broadcasts have promoted ruling parties and limited coverage of opposition political parties, while inhibiting the free flow of information necessary for citizens to effectively exercise their electoral choices, thus undermining democracy;

Whereas the promotion of independent ownership of local radio operations in Africa is a useful tool for advancing the United States foreign policy objective of promoting democracy and human rights;

Whereas the phenomenon of "hate radio" has fueled genocide in countries such as Rwanda, in which an estimated half million persons were killed in a largely ethnic purge in 1994;

Whereas surrogate broadcasting, which consists of locally generated news on issues of local concern, has been well demonstrated as a vehicle to promote democracy and human rights in repressed regions and countries throughout the world;

Whereas the Voice of America has designed the "Radio Democracy for Africa" project to create a surrogate radio operation throughout Africa to promote democracy and human rights; and

Whereas the African Growth and Opportunity Act calls for the United States Information Agency to use its broadcasts to promote economic reforms in addition to its current promotion of political reforms: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the creation and operation of the Voice of America's surrogate radio project known as "Radio Democracy for Africa" which includes journalist training and journalist exchange components;

(2) urges the United States Information Agency to expand its economic, political, and human rights programming in Africa to support indigenous efforts aimed at promoting democratization, human rights, economic development, and good governance;

(3) calls on the Agency for International Development to adopt a comprehensive strategy for the promotion of free and independent African media, especially radio, by supporting journalist and other media training programs, assisting in the development of African media associations, facilitating the creation of African news gathering and delivery networks, and encouraging the use of radio as an educational medium on a variety of topics, including but not limited to democracy, human rights, and economic development;

(4) calls on the United States Government to encourage local and foreign investment in independent local radio operations in Africa;

(5) urges the United States Government to make freedom of speech and the safety of journalists a priority in discussions with African governments on democracy and human rights;

(6) encourages the United States Government to use all reasonable means to help safeguard the operation of independent radio stations and the legitimate activities of journalists in African countries; and

(7) urges the United States Government to support and assist the development of mechanisms and institutions for the protection of independent journalists and to discourage the now frequent use of draconian laws and government policies inhibiting freedom of speech in Africa.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS), each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

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

There was no objection.

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

H. Res. 415, a resolution supporting the development of Radio Democracy for Africa, was sponsored by the gentleman from California (Mr. ROYCE). This resolution promotes independent radio broadcasting in Africa through the Voice of America. It calls for VOA to provide journalistic training and for USIA to expand its economic, political and human rights programming in Africa to support indigenous efforts aimed at promoting democratization.

The administration supports this enhanced broadcasting effort in Africa and VOA is working to get expanded programming on the air. This is an appropriate use of international broadcasting funds. Many African nations are struggling for peace and democracy. Hopefully the efforts encouraged by this resolution will put into force a strong and comprehensive international broadcasting program throughout the African continent to assist emerging democracies.

I commend my colleague who will speak soon, the gentleman from California (Mr. ROYCE) for his initiative and for that of my other colleagues in offering this resolution.

Madam Speaker, I reserve the balance of my time.

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

First let me commend our colleagues, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. MENENDEZ), chairman and ranking member respectively of the Subcommittee on Africa of the Committee on International Relations, for crafting this most important resolution. I strongly support this resolution.

The resolution calls for our government to lend support to free media in Africa through a number of avenues, including the creation of a Voice of America project adopting a comprehensive assistance strategy to have free media in Africa.

At the present time, Madam Speaker, VOA broadcasts 87½ hours weekly to Africa in 10 different languages. This measure calls to expand this program both in terms of its quantity and its coverage. My expectation is that as a result of this effort, media freedom will be strengthened in a number of countries in Africa. We need to assist the countries of Africa to develop mechanisms and institutions that protect the independence of journalists and discourage laws and government policies that inhibit the freedom of the press, which unfortunately is the state of affairs in far too many countries of that continent.

The Voice of America historically has played a significant role in bringing news and information, free and unbiased to the African continent. I particularly commend the authors' foresight in calling on the United States Government to support efforts by the people of Africa to build their own free and independent African media and to assist them in their efforts to promote democracy, human rights, economic development and good government.

I urge the adoption of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE) in support of the resolution. Our colleague from California has brought invigorated leadership to the Subcommittee on Africa. His sponsorship of this legislation, along with the cosponsorship in original form by the gentlemen from New Jersey (Mr. MENENDEZ) and (Mr. SMITH), are examples of the leadership he has brought to American foreign policy with respect to Africa.

Mr. ROYCE. Madam Speaker, today radio broadcasting in much of Africa, as in other places in the world, is dominated by governments which operate national radio stations and all too often frustrate independent radio stations.

African governments, those that are repressive, do this because air wave control is real power, the power to control the information that their citizens receive. Radio's power is particularly great in Africa where poverty and logistical difficulties have made radio Africans' primary source of information. Televisions are few and far between in many African countries, and newspapers are largely confined to the cities. Radios, though, in Africa reach everyone. Radio's power is also why African governments often frustrate the licensing of independent radio stations

and harass and brutalize and at times even kill independent radio journalists.

As long as this situation prevails, as long as some African governments can shape how their citizens think and feel about their country and their lives, many of the achievements we are hoping to see African countries make, like greater democracy, the protection of human rights, economic development, will be frustrated.

This resolution brings attention to the importance of radio broadcasting in Africa as a means of realizing these goals, and it lends support to an important administration initiative, Radio Democracy for Africa.

Radio Democracy for Africa is designed to increase surrogate radio broadcasting to Africa through the Voice of America. Surrogate radio, the process by which local journalists broadcast to their countrymen about local issues with foreign support, has proved to be effective in promoting the values of freedom and democracy. This was the case behind the iron curtain during the Cold War. It is the case in parts of Asia today.

Africa should not be an exception. We should support greater independent radio broadcasting in Africa and that is what this resolution does. Fostering independent radio broadcasting in Africa is all the more important given the specter of genocide by hate radio. Uncontested hate broadcasts contributed to the 1994 genocide in Rwanda that claimed more than half a million lives. Ominously hate radio broadcasts are being heard again in Central Africa.

□ 1345

While U.S.-supported surrogate radio, that is, radio to help break government monopolies on information, does not guarantee against brutality, it can help combat it. A greater American effort to allow Africans to hear alternative views, views supportive of democracy and reconciliation, is desperately needed. It is my hope that Radio Democracy for Africa will be a start.

This House Resolution also calls for the U.S. to provide diplomatic and technical support to independent radio in Africa, all within existing budgets. It also encourages journalistic exchanges. Greater professionalism by Africa radio journalists is needed. This resolution also asks the administration to focus on the protection of African radio journalists, many of whom show tremendous bravery. The committee to Protect Journalists has brought to life the life-threatening conditions that many African journalists face. This resolution asks that these brave men and women be supported in their struggle.

I ask my colleagues to support this resolution, and, Madam Speaker, I thank my colleague, the gentleman from New Jersey (Mr. ROBERT MENENDEZ), and the gentleman from New Jersey (Mr. SMITH) for their support as coauthors.

Mr. BEREUTER. Madam Speaker, I yield myself such time as I may consume to commend the gentleman for his exceptional statement and his initiative.

Mr. GILMAN. Madam Speaker, I rise in support of H. Res. 415, a resolution supporting the development of Radio Democracy for Africa. Through this resolution, we are encouraging VOA to promote independent radio broadcasting throughout Africa. A free and independent media is a cornerstone to democracy development. The VOA has a solid reputation in Africa, and field visits to several countries by the Director of VOA underscored the importance and interest in receiving journalism training. Developing an indigenous core of journalists coupled with more targeted VOA programing will help build an independent media and provide objective news sources.

Support for democracy must be a major policy objective in Africa. International broadcasts and media development in the region serves this vital policy direction.

This resolution demonstrates Congressional support for the enhanced program efforts by the VOA. At a time of continued unrest in certain African countries, a comprehensive broadcast and training program is the right thing to do at the right time.

Mr. SMITH of New Jersey. Madam Speaker, I rise in support of H. Res. 415, to promote independent radio broadcasting in Africa. I am proud to be one of the original cosponsors of this resolution introduced by my friend, Mr. ROYCE, the Chairman of the Subcommittee on Africa.

Radio is probably the most important mass communications medium in Africa, a continent plagued by numerous conflicts and crises. Radio is the primary means of transmitting vital information between African populations. It has the potential to do much good—both as a source of independent, accurate news, and as a catalyst for humanitarian, democratic, and economic progress. Unfortunately, it also has been subject to abuse. As many here will recall, ethnic "hate radio" fanned the flames of the 1994 genocide in Rwanda, which claimed upwards of half a million lives.

The freedom, independence, and professionalism of African radio are becoming increasingly important to the future prospects of that continent. Thus, House Resolution 415 makes clear that this House supports surrogate broadcasting and the training of African journalists through the Voice of America's "Radio Democracy for Africa" project; urges the expansion of USIA's economic, political, and human rights programming in Africa to support indigenous programming in those areas; urges the Agency for International Development to adopt a comprehensive strategy to promote free and independent African media; and urges the United States Government to support freedom and independence for African radio journalists through several means, such as foreign investment and intergovernmental dialogue.

I encourage all my colleagues to support this important resolution.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in support of H. Res. 415, "A Resolution Promoting Independent Radio Broadcasting in Africa." I support this bill for several reasons. First, radio is the primary forum of transmitting information in Africa. The African continent is paralyzed by poverty, illiteracy, and logistical difficulties making television and print media a less effective means of communication. This resolution seeks to promote and enlarge this vital link of communication to the African continent.

For the most part, African radio stations are controlled and managed by the governments in these African nations. These governments are aware of the power and influence which radio stations project in the region. In Rwanda, the power of radio was used to fuel the genocide in 1994. Governments in Africa, fearing the power of radio, will often deny or delay applications for proposed independent radio stations. African governments will harass officials or staff of independent stations, or close stations which openly disagree with the government's policy. In the last eight years numerous journalists have been imprisoned and even killed.

Given the power of radio and the interference displayed by African governments, the House should support the creation and operation of the Voice of America's surrogate radio project known as "Radio Democracy for Africa." This project is vital in our continuing efforts to promote democracy and human rights.

During the President's recent trip to the African continent, the President expressed a willingness to increase America's political and economic ties on the continent. This resolution will encourage democratization, human rights improvement, and economic development through the medium of radio.

This resolution will call on the U.S. government to encourage local and foreign investment in independent local radio in Africa. It will also make the improvement of unbiased and effective radio communication a priority in discussions with African governments.

This Congress should pass House Resolution 415 and support all efforts to improve media communications on the African continent.

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

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

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the resolution, H. Res. 415.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

MAKING AVAILABLE TO THE UKRAINIAN MUSEUM AND ARCHIVES THE USIA TELEVISION PROGRAM "WINDOW ON AMERICA"

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4083) to make available to the Ukrainian Museum and Archives the USIA television program "Window on America", as amended.

The Clerk read as follows:

H.R. 4083

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

SECTION 1. AVAILABILITY OF USIA TELEVISION PROGRAM "WINDOW ON AMERICA".

(a) IN GENERAL.—Notwithstanding section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) and the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461), the Director of the United States Information Agency is authorized to make available, upon request, to the Ukrainian Museum and Archives in Cleveland, Ohio and the Slavics Collection, Indiana University Libraries in Bloomington, Indiana, copies of the television program "Window on America" produced by the WORLDNET Television Service of the United States Information Agency.

(b) LIMITATION.—The Ukrainian Museum and Archives and the Slavics Collection are prohibited from broadcasting any materials made available pursuant to this Act.

(c) REIMBURSEMENT.—The Ukrainian Museum and Archives and the Slavics Collection shall reimburse the Director of the United States Information Agency for any expenses involved in making such copies available. Any reimbursement to the Director pursuant to this subsection shall be credited to the applicable appropriation of the United States Information Agency.

(d) TERMINATION.—Subsection (a) shall cease to have effect 5 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4083, the measure under consideration.

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

There was no objection.

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

Madam Speaker, this bill is sponsored by the gentleman from Ohio (Mr. KUCINICH) and cosponsored by the gentleman from Indiana (Mr. HAMILTON).

This bill waives section 501 of the Smith–Mundt Act, which prohibits the domestic dissemination of U.S. Information Agency produced materials to allow USIA to provide the TV program "Window on America" to the Ukrainian Museum and Archives and to the Slavics Collection at the Indiana University Library in Bloomington, Indiana. The Ukrainian language program cannot be broadcast in the U.S. but is available to these institutions for historical and research purposes. The waiver of section 501 expires 5 years after the date of enactment.

This bipartisan bill was drafted in close consultation with the U.S. Information Agency, USIA, and they provided expert advice that assisted the Congress in advancing this legislation. I appreciate the agency's attention to the important details of the Smith–Mundt waiver, and I ask my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

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

Let me first commend the sponsors of this bill, our colleagues, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from Indiana (Mr. HAMILTON), for their leadership in offering this very worthy piece of legislation.

H.R. 4083 would authorize the United States Information Agency to make available to the Ukrainian Museum and Archives in Cleveland and the Slavics Collection at Indiana University copies of a video program, "Window on America", that has been broadcast by satellite into the Ukraine.

Without specific authorization by the Congress, Madam Speaker, the Smith–Mundt Act would normally prohibit USIA from providing domestic institutions those materials that are produced for overseas audiences. This bill ensures that the program will not be rebroadcast and that USIA will be fully reimbursed for the expenses of making this program available.

The gentleman from Ohio (Mr. KUCINICH) worked closely with USIA in crafting this bill, and our colleague, the gentleman from Indiana (Mr. HAMILTON), has seen to it that the University of Indiana will benefit from its provisions. The administration has no objections to this legislation, and I strongly urge support of this bill.

Madam Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, I rise in support of H.R. 4083, to make "Windows on America" programming available to the Ukrainian Museum in Cleveland, Ohio, and to the Slavics Collection at the University of Indiana.

First, I would like to thank the gentleman from Ohio (Mr. LATOURETTE), my principal cosponsor of this legislation. I would also like to thank the gentleman from New Jersey (Mr. SMITH) the subcommittee chairman, the gentleman from New York (Mr. GILMAN) the full committee chairman, the gentleman from Indiana (Mr. HAMILTON) the ranking Democrat, and the Ukrainian Caucus in the House, chaired by the gentleman from Pennsylvania (Mr. FOX). This is a bipartisan bill that would benefit thousands of Ukrainian Americans.

The Ukraine is one of Europe's oldest cultures and one of its newest democracies. In this century, the country has been wracked by world wars, major famines and some of the worst political repression the world has ever seen. During the Soviet era, Joseph Stalin and his successors waged war on Ukrainian culture, destroying churches and valuable artifacts, burning books and other literary treasures. Nearly 50 years ago, a group of displaced Ukrainian scholars living in Cleveland, Ohio, began a museum and archives in the Tremont area, the place where the neighborhoods meet the industrial valley and home to many immigrant communities; also, by the way, home to the community where I first began my political career over 30 years ago. Their mission was to preserve valuable items of Ukrainian culture during an Orwellian era when these items were being deliberately destroyed in Ukraine itself.

Tapping into a network of similar scholars, displaced diplomats and ordinary citizens, the Ukrainian Museum-Archives compiled a world-class collection of Ukrainiana. With the advent of Ukrainian independence seven years ago, scholars from Ukraine finally got a chance to see for themselves the size and quality of the collection. They confirmed that many of the items preserved in the Cleveland collection cannot be found anywhere else, even in Kiev or our own Library of Congress. As awareness of Ukraine as a geopolitical factor grows, so does interest in Ukrainian culture and history. The Ukrainian Museum-Archives is now working with the Ukrainian Embassy in Washington, Ohio State University's Department of Slavic and Eastern European Languages and Literature and other institutions to make this unique collection accessible to scholars in this country, in Ukraine and throughout the world.

That is why I am pleased to be the sponsor along with the gentleman from Ohio (Mr. LATOURETTE) of this bill to make available to the Ukrainian Museum-Archives videotapes of the U.S. Information Agency's television program "Window on America." For more than 5 years now, this pioneering program has been beamed by satellite to Ukraine to a weekly television audience of 10 to 15 million people. The videotapes of these programs constitute an invaluable chronicle of U.S.-Ukrainian relations during the critical first years of Ukraine's independence and a welcome addition to the collection at the Ukrainian Museum-Archives in Cleveland.

Ukraine, like other countries that have been victimized by Soviet repression, has had to endure economic difficulties as it moves from a communist style command economy to one that relies on free enterprise and free markets. In that process we have learned that Ukraine's problems are spiritual as well as economic and political. By exploring their own past and reclaiming their cultural heritage, Ukraine is taking an important step towards true independence and economic viability. The Ukrainian Museum-Archives in Cleveland and similar institutions elsewhere will play a small but important role in that process. I am pleased along with the gentleman from Ohio (Mr. LATOURETTE) to be able to help.

It is an honor to be here to say, "Slava Ukraini."

Mr. GILMAN. Madam Speaker, I rise in support of H.R. 4083, a bill to provide copies of the television program "Window on America" a Ukrainian language program produced by the U.S. Information Agency to the Ukrainian Museum and the Indiana University Libraries.

This bill waives section 501 of the Smith-Mundt Act, which prohibits the domestic dissemination of U.S. Information Agency produced materials. A waiver of this prohibition, will allow these two institutions to maintain a current history research capacity on events in the Ukraine.

This Ukrainian language program cannot be broadcast in the U.S., but is available to these institutions for historical and research purposes. This waiver is in place for five years. After that period the International Relations Committee and the Museum and Libraries at Indiana University will revisit the interest in extending the waiver.

I appreciate the assistance the U.S. Information Agency provided in drafting this bill to accommodate the concerns of the Committee.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 4083, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

URGING INTERNATIONAL COOPERATION IN RECOVERING CHILDREN ABDUCTED IN THE UNITED STATES AND TAKEN TO OTHER COUNTRIES

Mr. BEREUTER. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 224) urging international cooperation in recovering children abducted in the United States and taken to other countries.

The Clerk read as follows:

H. CON. RES. 224

Whereas many children in the United States have been abducted by family members who are foreign nationals and living in foreign countries;

Whereas children who have been abducted by an estranged father are very rarely returned, through legal remedies, from countries that only recognize the custody rights of the father;

Whereas there are at least 140 cases that need to be resolved in which children have been abducted by family members and taken to foreign countries;

Whereas, although the Convention on the Civil Aspects of International Child Abduction, done at the Hague on October 25, 1980, has made progress in aiding the return of abducted children, the Convention does not address the criminal aspects of child abduction, and there is a need to reach agreements regarding child abduction with countries that are not parties to the Convention; and

Whereas decisions on awarding custody of children should be made in the children's best interest, and persons who violate laws of the United States by abducting their children should not be rewarded by being granted custody of those children: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress urges international cooperation in working to resolve those cases in which children in the United States are abducted by family members who are foreign nationals and taken to foreign countries, and in seeing that justice is served by holding accountable the abductors for violations of criminal law.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 224, the measure under consideration.

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

There was no objection.

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

Madam Speaker, this measure, H. Con. Res. 224, calls our attention to a problem of growing concern. While most Americans are aware of the large number of cases involving children abducted by a noncustodial parent in the United States, very few are aware of the international dimensions of the problem. I commend the gentleman from Arkansas (Mr. BERRY) for his initiative in introducing this resolution.

A by-product of our increasingly interdependent globe has been an increase in the number of American citizens marrying citizens of other countries. It is a sad fact of today's society that a high number of marriages result in divorce, and these international marriages are as subject to the strains that affect marriages as those between citizens of the same country. In fact, there may be additional strains caused by differences of culture in such relationships. When an international marriages results in children and the parents obtain a divorce, with the foreign national spouse choosing to return to his or her own country, the offspring can be quickly embroiled in a complex situation, not only torn between two parents but also between two countries.

There are tragically nearly 1,000 cases pending with the Office of Children's Issues at the State Department that handles children wrongfully taken from a custodial parent in the United States to another country. I am hopeful that this measure will help spotlight this problem and attempt to deal with it.

We also would like to see our government, particularly the State Department, intensify its efforts to get more international cooperation in addressing the criminal aspects of international parental child abduction and also in getting more countries, particularly in the Middle East, to abide by the Hague Convention on the Civil Aspects of International Child Abduction. For all these reasons, this resolution is a timely one. I ask all the Members of the House to join in supporting H. Con. Res. 224.

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

Let me at the outset pay tribute and commend the author of this resolution, my friend and colleague, the gentleman from Arkansas (Mr. BERRY), because he is dealing with an issue of extreme importance. Of all the hundreds of hearings that I have participated in during the course of years, Madam Speaker, probably none was more moving than a hearing I chaired on a situation involving children of American women abducted by their fathers to Saudi Arabia.

Now, I think it is extremely important to bear in mind that while many countries are involved in matters that this legislation attempts to deal with, the vast number of the children are taken to countries where only the father's rights are recognized. In such cases, the left-behind mother is utterly helpless and hopeless, and the anguish and suffering of both the mother and the children is beyond comprehension.

I believe this resolution, which attempts to deal with unresolved cases of child abduction cases, will focus both public and media attention on this outrage, and it is my earnest hope that at least international embarrassment might induce some of the governments to be more forthcoming in dealing with these matters.

The Hague Convention on the Civil Aspects of International Child Abduction has made some progress in aiding the return of abducted children. But many of the countries most affected by this legislation are not parties to that convention, and I think my colleague from Arkansas deserves great commendation for refocusing the attention of the civilized world on this outrageous practice.

Madam Speaker, I reserve the balance of my time.

Mr. BEREUTER. Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding me this time, and I am pleased to rise in support of the measure of the gentleman from Arkansas (Mr. BERRY).

The unresolved cases of abducted children is an abominable situation. This has resulted in children being taken to all parts of the world, taken usually by an estranged father. Rarely are these children returned, and rarely are legal remedies available. Other countries have recognized the custodial rights of the parent. I believe there are over 100 cases, more particularly 140 cases, that need to be resolved in which children have been abducted by family members where they have taken the children to foreign countries.

We have been working with our colleagues in the European Union, and we will be having some meetings just this week with regard to this issue. We hope that we can focus attention in the international community to help find a solution to these problems that have torn apart so many families.

So, again, I want to commend the gentleman from Arkansas for focusing attention on this issue, focusing attention on the Convention of the Civil Aspects of International Child Abduction that was done at the Hague in 1980. But too little progress has been made in that direction and we have a long way to go, and I hope that this body will focus attention on this issue as well as other international organizations.

Mr. LANTOS. Madam Speaker, I yield 3 minutes to the gentleman from Arkansas (Mr. BERRY), the author of the resolution and my friend and colleague.

Mr. BERRY. Madam Speaker, I want to thank the gentleman from California (Mr. LANTOS) and the gentleman from Nebraska (Mr. BEREUTER), and, of course, the gentleman from New York (Mr. GILMAN) and the ranking member, the gentleman from Indiana (Mr. HAMILTON), for the attention that they have given to this important issue.

□ 1400

This issue first came to my attention when a child, Machael Al Omary, living with her mother in Jonesboro, Arkansas was illegally kidnapped by her noncustodial father and taken to Saudi Arabia where her mother has no legal right to recourse. Since that time, I have learned that there are thousands of children who have been illegally taken to another country. If the country is not a signatory to the Hague Agreement, the parents are left totally helpless. In many cases when the country is a signatory, justice is often difficult to obtain and comes at a very high price.

Our legal system makes decisions involving the custody of children based on what is in the best interests of the children. Once such arrangements are made, no one should ever be rewarded for the illegal abduction of a child from our country by being able to keep the child and thumb their noses at our authority.

This resolution sends a strong message of this country's support for the rights of our children.

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

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

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 224.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS ON 50TH ANNIVERSARY OF SIGNING OF UNIVERSAL DECLARATION OF HUMAN RIGHTS

Mr. GILMAN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con.Res. 185) expressing the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommitting the United States to the principles expressed in the Universal Declaration, as amended.

The Clerk read as follows:

H. CON. RES. 185

Whereas on December 10, 1948, the General Assembly of the United Nations proclaimed the Universal Declaration of Human Rights, after it was adopted by the General Assembly without a dissenting vote;

Whereas the Universal Declaration of Human Rights was modeled on the Bill of Rights of the United States Constitution and it was developed with strong United States leadership, and in particular the personal involvement of Mrs. Eleanor Roosevelt, who served as Chair of the United Nations Human Rights Commission;

Whereas the Universal Declaration of Human Rights sets forth fundamental human rights including the right to life, liberty, and security of person; freedom of religion; freedom of opinion and expression; freedom of assembly; self-government through free elections; freedom from slavery and torture; the right to a fair trial and to equality before the law; presumption of innocence until proved guilty; the right not to be subjected to retroactive laws; freedom of movement within one's state and freedom to leave or return to it; the right of asylum; the right to a nationality; the right to found a family; the right against arbitrary interference with privacy, family, home, or correspondence; the right to own property; to social security and to work; the right to form and join trade unions; the right to an adequate standard of living, to education, and to rest and leisure; and the right to participation in the cultural life of the community;

Whereas the Universal Declaration of Human Rights has become the most widely accepted statement identifying human rights and is referred to in resolutions and covenants adopted by numerous international organizations, in multilateral and bilateral treaties, in national constitutions, and in local laws and decrees; and

Whereas the Universal Declaration of Human Rights, though it is not a treaty or a binding international agreement, it is "a common standard of achievement for all peoples and all nations": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) reaffirms the commitment of the United States to the fundamental human rights enunciated half a century ago in the Universal Declaration of Human Rights, which are a reflection of the fundamental civil and human rights that are enshrined in the Declaration of Independence and in the United States Constitution, and in particular in the Bill of Rights;

(2) expresses the determination to work for the implementation of and observance of international human rights and international human rights agreements; and

(3) urges the government leaders of all nations, representatives of private international human rights organizations, business and labor leaders, local government officials, and all Americans to use the Universal Declaration of Human Rights as an instrument to promote tolerance, understanding, and greater respect for human rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure as well as on H. Con. Res. 304 and H. Con. Res. 254 previously considered.

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

There was no objection.

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

Madam Speaker, I commend the chairman of the Subcommittee on

International Operations and Human Rights the gentleman from New Jersey (Mr. SMITH) and the ranking minority member the gentleman from California (Mr. LANTOS) for their timely initiative, and I commend the gentleman from California for crafting H. Con. Res. 185.

H. Con. Res. 185 expresses the sense of the Congress on the occasion of the 50th anniversary of the signing of the Universal Declaration of Human Rights and recommits our Nation to the principles expressed therein.

On December 20, 1948, the General Assembly of the U.N. proclaimed the Universal Declaration of Human Rights after it was adopted by the General Assembly without one dissenting vote. H. Con. Res. 185 summarizes the Universal Declaration of Human Rights and reaffirms our Nation's commitment to that declaration.

We take for granted so many freedoms that we have in our country. The gentleman's resolution makes us aware of their preciousness and reaffirms our commitment to their protection and role in our society and the world community.

Accordingly, I strongly support H. Con. Res. 185, and I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume. Let me first thank my friend the distinguished chairman of the Committee on International Relations for his comments. Let me also thank my good friend and distinguished gentleman from Illinois (Mr. PORTER), cochair of the Congressional Human Rights Caucus who joined me as the principal Republican cosponsor of this bill. I also want to thank my good friend the gentleman from New Jersey (Mr. SMITH) the distinguished chairman of the House International Relations Subcommittee on International Operations and Human Rights for his strong leadership on this issue. There are in fact scores of colleagues across the political spectrum who joined us in introducing this resolution.

Fifty years is a long time, Madam Speaker, and it is most appropriate for us to recommit ourselves and this body and our Nation to this vital document. The Universal Declaration of Human Rights is one of the most monumental events in the history of human rights. It is the accepted international definition of human rights, and the declaration continues to serve as the basis for subsequent international human rights law and treaties. And it is the critical starting point for future international agreements on human rights.

Now, I am not naive, Madam Speaker, and I understand that in scores of countries, this Universal Declaration of Human Rights is not observed. But that painful fact makes it all the more important that we recommit ourselves in a solemn way to the principles embodied in this document.

The drafters of the Universal Declaration were not concerned with inventing new political concepts and rights which would be granted or extended to people around the world; but, rather, they were concerned with defining the fundamental rights that are at the root of our human nature, rights that are the essence of our humanity. The purpose of the Universal Declaration was to enumerate these rights and to establish the standards that all nations should observe.

The nations which founded the United Nations at the San Francisco Conference in 1945, the city I have the honor to represent in this body with my friend the gentlewoman from California (Ms. PELOSI), came to the conclusion that new tools and international mechanisms are needed to protect the basic rights of all human beings. They directly responded to the atrocities of World War II committed by Nazi Germany and others where fundamental rights were violated in an unprecedented and systematic attack which produced inconceivable levels of human suffering.

In 1946, Madam Speaker, the United Nations established the Commission on Human Rights, the principal decision-making body charged with the global defense of human rights. The first Chair of the Human Rights Commission was Mrs. Eleanor Roosevelt, the widow of President Franklin Delano Roosevelt. Under her inspired leadership, this Commission took it upon itself to develop a comprehensive and universal catalogue of human rights definitions, which could serve as the basis for future legal codifications in the defense of human rights.

After almost 1,400 rounds of voting on practically every word in the draft declaration, the General Assembly unanimously adopted the Universal Declaration of Human Rights on December 10, 1948, in Paris at the Palais de Chaillot. Hence, we annually celebrate December 10 as International Human Rights Day. Subsequently some 60 human rights treaties and declarations were negotiated at the United Nations on the basis of the Universal Declaration.

Unfortunately, Madam Speaker, many of the rights enunciated in the Universal Declaration are under attack across the globe. I urge my colleagues to join me and continue our fight for all human rights for all human beings, even if that means from time to time making some unpopular decisions. As the sole remaining superpower, we have a special global obligation to the poor, to the tortured, to the prosecuted, to the persecuted, to the refugees and the voiceless. Anything less than full commitment to these human rights would be a betrayal of our own convictions and beliefs as a Nation and to our responsibilities spelled out in our Constitution and the Bill of Rights.

I urge all of my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, first of all I want to thank and congratulate the gentleman from California (Mr. LANTOS) for introducing H. Con. Res. 185 to commemorate the 50th anniversary of the Universal Declaration of Human Rights, a magnificent document. I am very proud to be one of the cosponsors of the resolution. I do hope it will get the full support of our colleagues today.

□ 1415

Madam Speaker, I believe that rights come from God, not from governments, not from international organizations. Nevertheless, it was a great step forward when, without a dissenting vote, the United Nations General Assembly recognized the existence of the rights to life, liberty, freedom of religion and expression, self-government through elections, and other important rights that are inherent in our nature as human beings and children of God.

I am very proud to join my colleague, the gentleman from California (Mr. LANTOS), and I want to thank him again for bringing this important resolution before the body today.

Ms. JACKSON-LEE of Texas. Madam Speaker, I applaud this measure. It is imperative that we, as Representatives of the United States of America, continue to support the Universal Declaration of Human Rights. The vital declaration ensures global preservation of the most basic human liberties.

Nadezhda Mandelstam once wrote that one must scream to the world to assert one's right to live and "send a message to the outside world demanding help and calling for resistance." Silence, in turn, is the "real crime against humanity."

It is clear that we must proclaim loudly that we are still demanding help and calling for resistance against human rights throughout the world. The Universal Declaration of Human Rights represents such a voice because it creates a standard of human rights that all the world's nations must uphold.

As a cornerstone of international customary law, the Declaration paved the way for legally binding treaties such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. Together, these documents form the "International Bill of Rights."

The Universal Declaration of Human Rights also serves as a model for national constitutions, laws, and policies. Since 1948, over 90 national constitutions can be traced to the Declaration.

We must continue to vocally support this Declaration. Our silence would only result in a regression of the work done on behalf of this

document. Instead, we must scream to the world that we will not tolerate human rights abuses.

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

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

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 185, as amended.

The question was taken.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

TORTURE VICTIMS RELIEF ACT OF 1998

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4309) to provide a comprehensive program of support for victims of torture, as amended.

The Clerk read as follows:

H.R. 4309

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Torture Victims Relief Act of 1998".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The American people abhor torture by any government or person. The existence of torture creates a climate of fear and international insecurity that affects all people.

(2) Torture is the deliberate mental and physical damage caused by governments to individuals to destroy individual personality and terrorize society. The effects of torture are long term. Those effects can last a lifetime for the survivors and affect future generations.

(3) By eliminating the leadership of their opposition and frightening the general public, repressive governments often use torture as a weapon against democracy.

(4) Torture survivors remain under physical and psychological threats, especially in communities where the perpetrators are not brought to justice. In many nations, even those who treat torture survivors are threatened with reprisals, including torture, for carrying out their ethical duty to provide care. Both the survivors of torture and their treatment providers should be accorded protection from further repression.

(5) A significant number of refugees and asylees entering the United States have been victims of torture. Those claiming asylum deserve prompt consideration of their applications for political asylum to minimize their insecurity and sense of danger. Many torture survivors now live in the United States. They should be provided with the rehabilitation services which would enable them to become productive members of our communities.

(6) The development of a treatment movement for torture survivors has created new opportunities for action by the United States and other nations to oppose state-sponsored and other acts of torture.

(7) There is a need for a comprehensive strategy to protect and support torture victims and their treatment providers, together with overall efforts to eliminate torture.

(8) By acting to heal the survivors of torture and protect their families, the United States can help to heal the effects of torture and prevent its use around the world.

SEC. 3. DEFINITION.

As used in this Act, the term "torture" has the meaning given the term in section 2340(1) of title 18, United States Code, and includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

SEC. 4. FOREIGN TREATMENT CENTERS.

(a) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end of chapter 1 the following new section:

"SEC. 129. ASSISTANCE FOR VICTIMS OF TORTURE.

"(a) IN GENERAL.—The President is authorized to provide assistance for the rehabilitation of victims of torture.

"(b) ELIGIBILITY FOR GRANTS.—Such assistance shall be provided in the form of grants to treatment centers and programs in foreign countries that are carrying out projects or activities specifically designed to treat victims of torture for the physical and psychological effects of the torture.

"(c) USE OF FUNDS.—Such assistance shall be available—

"(1) for direct services to victims of torture; and

"(2) to provide research and training to health care providers outside of treatment centers or programs described in subsection (b), for the purpose of enabling such providers to provide the services described in paragraph (1).".

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 1999 and 2000 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President $5,000,000 for fiscal year 1999 and $7,500,000 for fiscal year 2000 to carry out section 129 of the Foreign Assistance Act, as added by subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 1998.

SEC. 5. DOMESTIC TREATMENT CENTERS.

(a) ASSISTANCE FOR TREATMENT OF TORTURE VICTIMS.—The Secretary of Health and Human Services may provide grants to programs in the United States to cover the cost of the following services:

(1) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

(2) Social and legal services for victims of torture.

(3) Research and training for health care providers outside of treatment centers, or programs for the purpose of enabling such providers to provide the services described in paragraph (1).

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 1999 and 2000, there are authorized to be appropriated to carry out subsection (a) (relating to assistance for domestic centers and programs for the treatment of victims of torture) $5,000,000 for fiscal year 1999, and $7,500,000 for fiscal year 2000.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 6. MULTILATERAL ASSISTANCE.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 1999 and 2000 pursuant to chapter 3 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the "Fund") the following amounts for the following fiscal years:

(1) FISCAL YEAR 1999.—For fiscal year 1999, $3,000,000.

(2) FISCAL YEAR 2000.—For fiscal year 2000, $3,000,000.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) request the Fund—

(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

(B) to encourage the development of new such centers and programs;

(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

SEC. 7. SPECIALIZED TRAINING FOR FOREIGN SERVICE OFFICERS.

(a) IN GENERAL.—The Secretary of State shall provide training for foreign service officers with respect to—

(1) the identification of torture;

(2) the identification of the surrounding circumstances in which torture is most often practiced;

(3) the long-term effects of torture upon a victim;

(4) the identification of the physical, cognitive, and emotional effects of torture, and the manner in which these effects can affect the interview or hearing process; and

(5) the manner of interviewing victims of torture so as not to retraumatize them, eliciting the necessary information to document the torture experience, and understanding the difficulties victims often have in recounting their torture experience.

(b) GENDER-RELATED CONSIDERATIONS.—In conducting training under subsection (a) (4) or (5), gender-specific training shall be provided on the subject of interacting with women and men who are victims of torture by rape or any other form of sexual violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

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

GENERAL LEAVE

Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4309.

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

There was no objection.

Mr. GILMAN. Madam Speaker, this important measure addresses a critical area of our efforts to combat human rights abuses and treatment of those individuals who have suffered the effects of torture at the hands of governments as a means of destroying dissent and opposition, and I commend the gentleman from New Jersey (Mr. SMITH) for introducing this bill and the gentleman from California (Mr. LANTOS) for his support of this measure.

This resolution rightly recognizes the importance of treating victims of torture in order to try to combat the long-term devastating effects that torture has had on the physical and psychological well-being of those who have undergone this pernicious form of abuse.

Regrettably, torture has been an extremely effective method to suppress political dissidents, and for those governments which lack the legitimacy of democratic institutions to justify their power, torture has provided a bulwark against popular opposition.

It has been pointed out that for political leaders of undemocratic societies, torture has been useful because it aimed at the destruction of the personality to rob those individuals who would actively involve themselves in opposition to oppression of the self-confidence and other characteristics that produce leadership. And I quote from a recent speech by Dr. Inge Genefke, who is a founder of the International Treatment Movement, who we had an opportunity to meet with not too long ago, and I quote:

> Sophisticated torture methods today can destroy the personality and self-respect of human beings. Many victims are threatened with having to do or say things against their ideology or religious convictions with the purpose of attacking fundamental parts of the identity such as self-respect and self-esteem. Torturers today are able to create conditions which effectively break down the victim's personality and identity and his ability to live a fuller life later, with and amongst other human beings.

Fortunately there are now available treatment regimes for the types of disorders a torturer may induce. The resolution before the House today will help ensure that these treatments are more readily available to torture victims throughout the world and for those that are in need of them.

This measure authorizes funding for treatment centers in our Nation and for our President to provide funding for treatment centers in other countries. It also authorizes a State Department to contribute $3 million in both fiscal years 1999 and the year 2000 to the United Nations voluntary fund for victims of torture.

While this measure is similar to one reported out of the Committee on International Relations, we did make one change in order to accommodate the Committee on Commerce, changing a specific amount authorized for the Department of Health and Human Services to, quote, such sums as may be required, close quote. I ask that correspondence on this matter exchanged between the distinguished chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY) and myself be included in the RECORD following my remarks.

I urge my colleagues to join in approving this legislation, an all important issue, the Torture Victims Relief Act of 1998.

The correspondence referred to is as follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMERCE COMMITTEE,
Washington, DC, September 10, 1998.

Hon. BENJAMIN A. GILMAN,
Chairman, House Committee on International Relations, Washington, DC.

DEAR BEN: On August 6, 1998 the Committee on International Relations ordered reported H.R. 4309, the Torture Victims Relief Act of 1998. H.R. 4309, as ordered reported by the Committee on International Relations, provides for the support and treatment of torture victims through a variety of sources. As you know, the Committee on Commerce was granted an additional referral upon the bill's introduction pursuant to the Committee's jurisdiction over health and health facilities under Rule X of the Rules of the House of Representatives.

Because of the importance of this matter, I recognize your desire to bring this legislation before the House in an expeditious manner. I also understand that you have agreed to address this Committee's concern over the authorization of appropriations in section 5 in a manager's amendment to be offered on the Floor. Therefore, with that understanding, I will waive consideration of the bill by the Commerce Committee. By agreeing to waive its consideration of the bill, the Commerce Committee does not waive its jurisdiction over H.R. 4309. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Commerce Committee for conferees on H.R. 4309 or related legislation.

I request that you include this letter as a part of the Committee's report on H.R. 4309 and as part of the record during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, September 10, 1998.

Hon. TOM BLILEY,
Chairman, House Committee on Commerce, Washington, DC.

DEAR TOM: I am writing to thank the Committee on Commerce for its willingness to waive consideration of H.R. 4309, the Torture Victims Relief Act of 1998. As you correctly note, the Committee on International Relations and the sponsors of the bill believe it is important to bring this legislation before the House as expeditiously as possible.

I am writing to confirm our understanding, upon which your agreement to waive Committee consideration of the bill was premised:

First, I will address the Commerce Committee's concern over the authorization of appropriations in section 5 of the bill in a manager's amendment that I will offer on the Floor. I have enclosed a draft of that amendment, which I understand will meet the Committee's concerns.

Second, although I am hopeful that the Senate will pass the bill as passed by the House, I agree to support the appointment of Commerce Committee conferees, should a conference be convened on this legislation.

Finally, I will gladly include your September 10, 1998 letter in the International Relations Committee's report on H.R. 4309 and as part of the record during consideration of the bill by the House.

Thank you again for your prompt attention to this time-sensitive matter. Do not hesitate to contact me with any additional questions or suggestions you may have.

With best wishes,

Sincerely,

BENJAMIN A. GILMAN,
Chairman.

AMENDMENT TO H.R. 4309 OFFERED BY MR. SMITH OF NEW JERSEY

On page 6, line 10 and 11, strike "fiscal years 1999 and 2000," and insert "for each fiscal year";

On page 6, line 14, strike "$5,000,000" and all that follows through the end of line 15, and insert "such sums as may be necessary for each fiscal year."

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

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

Madam Speaker, I would like to begin by paying special tribute to my friend and colleague from New Jersey (Mr. SMITH) for taking the lead in this body on this most important issue. He has been an indefatigable fighter for many good causes, but this probably is one that deserves the most serious commendation and respect. I am proud to be the principal Democratic cosponsor of this legislation.

According to Amnesty International, Madam Speaker, torture is practiced on a systematic scale in no less than 117 countries across the globe today. Governments frequently target human rights advocates and political opposition members for torture to disable them and instill fear in society in general. Torture is clearly the most popular and effective weapon employed by rogue nations against democracy.

The main purpose of torture in most cases is not to gain any information from the victim. Rather, its purpose is to strip the individual human being of all personal dignity, to destroy all personal self-control and to reduce a human being to a state of sheer panic, fear, terror and pain. In other words, the purpose of torture is the destruction of the character of the victim, not necessarily the intention to kill him. Long after the physical wounds of those lucky enough to survive have healed, the embarrassment and the trauma of their torture persists.

This is why torture renders people silent. This silence, the inability to reach out, many times increased by our inability to listen and to believe, is the real goal of torture.

There are no more than 150 treatment programs for victims of torture in 76 countries. These programs provide invaluable support to the courageous men and women who are fighting for principles upon which our country was founded. They enable the survivors of torture to recover from the effects of torture and to resume their struggle on behalf of democracy and human rights. This is a long, painful and slow process. The centers give victims the important hope that somebody is listening, somebody believes their stories.

Currently there are some 400,000 victims who survive torture in many countries living in the United States. We need to listen to them and to live up to our responsibilities. In addition to the medical and psychological services torture treatment centers provide, they also document irrefutable evidence that torture is being practiced in many countries, and these centers become effective instruments in pressuring and changing governments to desist from the practice of torture.

It is my hope that my colleagues across the political spectrum will unanimously approve this legislation. I strongly urge support of everyone in this body.

Madam Speaker, I reserve the balance of my time.

Mr. GILMAN. Madam Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, I want to thank the gentleman from New York (Mr. GILMAN) the chairman of the full committee, for yielding this time to me, and I also want to thank him for being one of the principal cosponsors, as well as my good friend, the gentleman from California (Mr. LANTOS). We have had literally dozens of hearings in the subcommittee over the last several years when he was chair, and now that I chair the committee and we have heard from a myriad of victims of torture, from Indonesia, from Cuba, from countries in Africa, Central America, and the Eastern Bloc countries, including the former Soviet Union and Russia itself. The issue over and over again is horrific mistreatment designed to destroy the will and the body and the spirit of the individuals involved and to destroy whole communities when it is done systematically to achieve an end.

This legislation, H.R. 4309, the Torture Victims Relief Act has 30 cosponsors. Again, the gentleman from California (Mr. LANTOS) and I link arm in arm to fight to help those who have been hurt by despotic governments.

In 1996, Madam Speaker, our subcommittee held a hearing on an earlier version of this legislation and we heard testimony on the continued and widespread persistence of torture in the world today, and on what steps the United States and other free countries should take to do something about it. Three of our witnesses at that hearing—and, as has been said, we heard from people from all over the world, and the issue is always the same, the terrible mistreatment—but three of those people who were there that day: a native of Uganda who suffered at the hands of Idi Amin, a Tibetan physician who was tortured by the Chinese Communists, and an American who became a torture victim in Saudi Arabia, our ally, after he had a falling out with his employer, the Saudi government. They told us stories that brought tears to our eyes about how they were mistreated and how they bear the scars long after their ordeal.

Those who suffer horrific cruelty at the hands of despotic governments, military and/or police, do bear those scars; they are physical, they are emotional, they are spiritual, they are psychological, and they carry them for the rest of their lives. For many, if not most, the ordeal of torture certainly does not end when they are released from the gulag or the prison.

These victims, and there are millions of them around the world—there are an estimated 400,000 survivors of torture living right here in the United States—need our help. To date we have done far too little to assist these walking wounded. The Torture Victims Relief Act contains a number of important provisions designed to assist torture victims.

First, it authorizes grants for rehabilitation services for victims of torture and for related purposes in both foreign and domestic centers. The bill authorizes such sums as may be needed, subject to the Department of Health and Human Services, for contributions to centers for treatment of torture victims here in the U.S., and there are currently approximately 15 such centers. The precise amount of any contribution to these centers will be decided each year in the appropriation process. The "such sums" authorization language is contained in an amendment which is part of this bill today. It was suggested by the gentleman from Virginia (Mr. BLILEY) of the Committee on Commerce which has jurisdiction over HHS, and I do want to thank Chairman BLILEY for his help on this legislation.

The legislation also authorizes $5 million in fiscal year 1999 and $7.5 million in fiscal year 2000 for international torture victim centers, and there are currently approximately 175 of those around the world. Regrettably, all of these centers, domestic and international, are seriously underfunded. As a matter of fact, the Denmark-based International Rehabilitation Council for Torture Victims (IRCT), estimates the worldwide need for assisting victims to be $28 million, a significant portion of which is totally unmet.

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H.R. 4309 also authorizes a voluntary contribution for the United States to the U.N. Voluntary Fund for victims of torture in the amount of $3 million in fiscal year 1999 and $3 million in fiscal year 2000. I am proud to say that our efforts—and it has been bipartisan with the gentleman from California (Mr. LANTOS)—have already had an effect on the U.S. contributions to the Voluntary Fund. The U.S. contribution to this fund in 1995 was $1.5 million. At the time when we introduced the bill in the 104th Congress, the administration had proposed to cut the fiscal year 1996 contribution to $500,000. Eventually, in response to our efforts by the supporters of this bill, the administration restored the full $1.5 million. The bill would bring it up to $3 million.

The bill also provides specialized training for foreign service officers in the identification of evidence of torture, techniques for interviewing torture victims, and related subjects.

Finally, the bill contains an expression of the sense of Congress that the U.S. shall use its voice and vote in the United Nations to support the investigation and elimination of these heinous practices which are prohibited by the Convention Against Torture. It is a good bill, it is a bipartisan bill, and I hope it gets unanimous support.

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

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

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 4309, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

COMMISSION ON THE ADVANCEMENT OF WOMEN AND MINORITIES IN SCIENCE, ENGINEERING, AND TECHNOLOGY DEVELOPMENT ACT

Mr. FAWELL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3007) to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development, as amended.

The Clerk read as follows:

H.R. 3007

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 "Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) According to the National Science Foundation's 1996 report, Women, Minorities, and Persons with Disabilities in Science and Engineering—

(A) women have historically been underrepresented in scientific and engineering occupations, and although progress has been made over the last several decades, there is still room for improvement;

(B) female and minority students take fewer high-level mathematics and science courses in high school;

(C) female students earn fewer bachelors, masters, and doctoral degrees in science and engineering;

(D) among recent bachelors of science and bachelors of engineering graduates, women are less likely to be in the labor force, to be employed full-time, and to be employed in their field than are men;

(E) among doctoral scientists and engineers, women are far more likely to be employed at 2-year institutions, are far less likely to be employed in research universities, and are much more likely to teach part-time;

(F) among university full-time faculty, women are less likely to chair departments or hold high-ranked positions;

(G) a substantial salary gap exists between men and women with doctorates in science and engineering;

(H) Blacks, Hispanics, and Native Americans continue to be seriously underrepresented in graduate science and engineering programs; and

(I) Blacks, Hispanics, and Native Americans as a group are 23 percent of the population of the United States, but only 6 percent are scientists or engineers.

(2) According to the National Research Council's 1995 report, Women Scientists and Engineers Employed in Industry: Why So Few?—

(A) limited access is the first hurdle faced by women seeking industrial jobs in science and engineering, and while progress has been made in recent years, common recruitment and hiring practices that make extensive use of traditional networks often overlook the available pool of women;

(B) once on the job, many women find paternalism, sexual harassment, allegations of reverse discrimination, different standards for judging the work of men and women, lower salary relative to their male peers, inequitable job assignments, and other aspects of a male-oriented culture that are hostile to women; and

(C) women to a greater extent than men find limited opportunities for advancement, particularly for moving into management positions, and the number of women who have achieved the top levels in corporations is much lower than would be expected, based on the pipeline model.

(3) The establishment of a commission to examine issues raised by the findings of these 2 reports would help—

(A) to focus attention on the importance of eliminating artificial barriers to the recruitment, retention, and advancement of women and minorities in the fields of science, engineering, and technology, and in all employment sectors of the United States;

(B) to promote work force diversity;

(C) to sensitize employers to the need to recruit and retain women and minority scientists, engineers, and computer specialists; and

(D) to encourage the replication of successful recruitment and retention programs by universities, corporations, and Federal agencies having difficulties in employing women or minorities in the fields of science, engineering, and technology.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the "Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development" (in this Act referred to as the "Commission").

SEC. 4. DUTY OF THE COMMISSION.

The Commission shall review available research, and, if determined necessary by the Commission, conduct additional research to—

(1) identify the number of women, minorities, and individuals with disabilities in the United States in specific types of occupations in science, engineering, and technology development;

(2) examine the preparedness of women, minorities, and individuals with disabilities to—

(A) pursue careers in science, engineering, and technology development; and

(B) advance to positions of greater responsibility within academia, industry, and government;

(3) describe the practices and policies of employers and labor unions relating to the recruitment, retention, and advancement of women, minorities, and individuals with disabilities in the fields of science, engineering, and technology development;

(4) identify the opportunities for, and artificial barriers to, the recruitment, retention, and advancement of women, minorities, and individuals with disabilities in the fields of science, engineering, and technology development in academia, industry, and government;

(5) compile a synthesis of available research on lawful practices, policies, and programs that have successfully led to the recruitment, retention, and advancement of women, minorities, and individuals with disabilities in science, engineering, and technology development;

(6) issue recommendations with respect to lawful policies that government (including Congress and appropriate Federal agencies), academia, and private industry can follow regarding the recruitment, retention, and advancement of women, minorities, and individuals with disabilities in science, engineering, and technology development;

(7) identify the disincentives for women, minorities, and individuals with disabilities to continue graduate education in the fields of engineering, physics, and computer science;

(8) identify university undergraduate programs that are successful in retaining women, minorities, and individuals with disabilities in the fields of science, engineering, and technology development;

(9) identify the disincentives that lead to a disproportionate number of women, minorities, and individuals with disabilities leaving the fields of science, engineering, and technology development before completing their undergraduate education;

(10) assess the extent to which the recommendations of the Task Force on Women, Minorities, and the Handicapped in Science and Technology established under section 8 of the National Science Foundation Authorization Act for Fiscal Year 1987 (Public Law 99-383; 42 U.S.C. 1885a note) have been implemented;

(11) compile a list of all Federally funded reports on the subjects of encouraging women, minorities, and individuals with disabilities to enter the fields of science and engineering and retaining women, minorities, and individuals with disabilities in the science and engineering workforce that have been issued since the date that the Task Force described in paragraph (10) submitted its report to Congress;

(12) assess the extent to which the recommendations contained in the reports described in paragraph (11) have been implemented; and

(13) evaluate the benefits of family-friendly policies in order to assist recruiting, retaining, and advancing women in the fields of science, engineering, and technology such as the benefits or disadvantages of the Family and Medical Leave Act of 1993 (29 U.S.C. 2001 et seq.).

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 11 members as follows:

(1) 1 member appointed by the President from among for-profit entities that hire individuals in the fields of engineering, science, or technology development.

(2) 2 members appointed by the Speaker of the House of Representatives from among such entities.

(3) 1 member appointed by the minority leader of the House of Representatives from among such entities.

(4) 2 members appointed by the majority leader of the Senate from among such entities.

(5) 1 member appointed by the minority leader of the Senate from among such entities.

(6) 2 members appointed by the Chairman of the National Governors Association from among individuals in education or academia in the fields of life science, physical science, or engineering.

(7) 2 members appointed by the Vice Chairman of the National Governors Association from among such individuals.

(b) INITIAL APPOINTMENTS.—Initial appointments shall be made under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) TERMS.—

(1) IN GENERAL.—Each member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) PAY OF MEMBERS.—Members shall not be paid by reason of their service on the Commission.

(e) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with

sections 5702 and 5703 of title 5, United States Code.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(g) CHAIRPERSON.—The Chairperson of the Commission shall be elected by the members.

(h) MEETINGS.—The Commission shall meet not fewer than 5 times in connection with and pending the completion of the report described in section 8. The Commission shall hold additional meetings for such purpose if the Chairperson or a majority of the members of the Commission requests the additional meetings in writing.

(i) EMPLOYMENT STATUS.—Members of the Commission shall not be deemed to be employees of the Federal Government by reason of their work on the Commission except for the purposes of—

(1) the tort claims provisions of chapter 171 of title 28, United States Code; and

(2) subchapter I of chapter 81 of title 5, United States Code, relating to compensation for work injuries.

SEC. 6. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall appoint a Director who shall be paid at a rate not to exceed the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code.

(b) STAFF.—The Commission may appoint and fix the pay of additional personnel as the Commission considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the maximum annual rate of basic pay payable under section 5376 of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the Director of the National Science Foundation or the head of any other Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

SEC. 7. 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) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to 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) CONTRACT AUTHORITY.—To the extent provided in advance in appropriations Acts, the Commission may contract with and compensate government and private agencies or persons for the purpose of conducting research or surveys necessary to enable the Commission to carry out its duties under this Act.

SEC. 8. REPORT.

Not later than 1 year after the date on which the initial appointments under section 5(a) are completed, the Commission shall submit to the President, the Congress, and the highest executive official of each State, a written report containing the findings, conclusions, and recommendations of the Commission resulting from the study conducted under section 4.

SEC. 9. CONSTRUCTION; USE OF INFORMATION OBTAINED.

(a) IN GENERAL.—Nothing in this Act shall be construed to require any non-Federal entity (such as a business, college or university, foundation, or research organization) to provide information to the Commission concerning such entity's personnel policies, including salaries and benefits, promotion criteria, and affirmative action plans.

(b) USE OF INFORMATION OBTAINED.—No information obtained from any entity by the Commission may be used in connection with any employment related litigation.

SEC. 10. TERMINATION; ACCESS TO INFORMATION.

(a) TERMINATION.—The Commission shall terminate 30 days after submitting the report required by section 8.

(b) ACCESS TO INFORMATION.—On or before the date of the termination of the Commission under subsection (a), the Commission shall provide to the National Science Foundation the information gathered by the Commission in the process of carrying out its duties under this Act. The National Science Foundation shall act as a central repository for such information and shall make such information available to the public, including making such information available through the Internet.

SEC. 11. REVIEW OF INFORMATION PROVIDED BY THE NATIONAL SCIENCE FOUNDATION AND OTHER AGENCIES.

(a) PROVISION OF INFORMATION.—At the request of the Commission, the National Science Foundation and any other Federal department or agency shall provide to the Commission any information determined necessary by the Commission to carry out its duties under this Act, including—

(1) data on academic degrees awarded to women, minorities, and individuals with disabilities in science, engineering, and technology development, and workforce representation and the retention of women, minorities, individuals with disabilities in the fields of science, engineering, and technology development; and

(2) information gathered by the National Science Foundation in the process of compiling its biennial report on Women, Minorities, and Persons with Disabilities in Science and Engineering.

(b) REVIEW OF INFORMATION.—The Commission shall review any information provided under subsection (a) and shall include in the report required under section 8—

(1) recommendations on how to correct any deficiencies in the collection of the types of information described in that subsection, and in the analysis of such data, which might impede the characterization of the factors which affect the attraction and retention of women, minorities, and individuals with disabilities in the fields of science, engineering, and technology development; and

(2) an assessment of the biennial report of the National Science Foundation on Women, Minorities, and Persons with Disabilities in Science and Engineering, and recommendations on how that report could be improved.

SEC. 12. DEFINITION OF STATE.

In this Act, the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act—

(1) $400,000 for fiscal year 1999; and

(2) $400,000 for fiscal year 2000.

The SPEAKER pro tempore (Mr. SMITH of New Jersey). Pursuant to the rule, the gentleman from Illinois (Mr. FAWELL) and the gentlewoman from Hawaii (Mrs. MINK) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. FAWELL).

Mr. FAWELL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise today in support of H.R. 3007, which is the Commission on the Advancement of Women in Science, Engineering and Technology Development Act. I would like to call it the Wise Tech Act. As my colleagues know, I introduced H.R. 3007 on November 9 of last year.

I think it is fitting that we are considering H.R. 3007 under suspension of the rules today. I have been reading with great interest recent news articles regarding the push by high-tech industries for Congress to approve a temporary increase in the number of H–1B immigration visas for foreign technology workers. It is my understanding that we will likely consider legislation later this week to do just that. I think it is only appropriate, then, that we also pass legislation this week which will focus on what we can do to make sure American workers are prepared to fill these high-tech jobs.

Over the last decade, the use of technology has transformed almost every sector of our Nation's economy, ranging from transportation and health care to manufacturing and education. In manufacturing alone, high-tech industries now employ close to 1.9 million workers, making them the largest

manufacturing employer in the United States. In addition, the Bureau of Labor Statistics has predicted that the demand for highly skilled workers in computer and data processing will more than double over the next 10 years.

Mr. Speaker, I have been working over the past few years to help ensure that American workers have the high-tech skills they need to be successful in the job market that is increasingly dependent upon technological expertise. For example, last spring I had the pleasure of participating in the first Regional Town Hall Meeting on the National Technology Workforce, which was convened in Montgomery County, Maryland. Through those town hall meetings, we hope to bring attention to the issue of preparing our workforce for the 21st century.

Ensuring our workforce is prepared to meet the technology challenges of the future is not only important to me, because I want to ensure the I–270 corridor in my district maintains its technological preeminence, but it is also important from a national perspective. Technology will continue to be the driving force behind a strong economy in the 21st century. We need to make sure that our Nation has a workforce that is capable of meeting the needs of the 21st century economy. Today, as high-tech companies are scrambling to fill jobs, a vast portion of the U.S. labor pool remains underutilized.

Women represent roughly 50 percent of all U.S. workers, but make up only 22 percent of the entire science and engineering workforce. Determining why so few women enter the fields of science, engineering and technology development is a priority. Understanding and addressing such issues could dramatically increase the labor pool available to high-tech companies.

Yes, progress has been made over the last decade in integrating women into the scientific and engineering fields. This has been true in the academic arena and the workforce. The percentage of medical degrees earned by women rose from 8 percent to 38 percent between 1970 and 1993. Even more impressive, according to the Engineering Workforce Commission of the American Association of Engineering Societies, the percentage of Ph.D.s in engineering has increased from 0.4 percent in 1970 to 12.2 percent in 1997. But while such increases are impressive, in the case of engineering a 3,000 percent increase in just under 30 years, overall, the numbers are still low. As an example, there are only 8.9 percent of women in electronic engineering, whereas we have about 11.4 percent of women in the clergy. Kind of unusual.

That is also why I have introduced H.R. 3007. We need to figure out why women are entering in, and more importantly, staying in, high-tech professions at rates well below their male counterparts.

There have been various attempts in the past, both by the Federal Government and private organizations, to address this issue. The Federal Government in particular has done a good job of collecting relevant information as far as how many women are pursuing science and engineering degrees, and how many of these women ultimately end up entering into the workforce in one of these disciplines. However, we really have not done a very good job of taking the statistical data that has been collected and interpreting it in a way that can be used to develop solutions to the very real problem of the professions at rates that are well below their male counterparts.

Earlier this year, the Subcommittee on Technology held a hearing on H.R. 3007. All of our witnesses agreed that we need to do a better job of coordinating these various attempts to address the issue of women in science and develop a uniform analysis of the problem and provide recommendations for dealing with it. Our witnesses felt that this bill was an important part of that process.

I want to stress to my colleagues that the legislation requires a commission to be comprised of individuals representing private sector entities that employ scientists and engineers, as well as representatives from education and academia, in the same fields. I think that is important, because we want to make sure that the recommendations that are put forth by the commission adequately reflect the needs of the high-tech industries.

In addition, I want to acknowledge that H.R. 3007 was marked up by the Committee on Education and the Workforce and my colleague, the gentleman from New Jersey (Mr. PAYNE) pointed out that in addition to women, minorities and people with disabilities are also significantly underrepresented in all areas of science, engineering and technology development. In fact, while blacks, Hispanics and Native Americans combined represent about 23 percent of the population, only 6 percent are scientists or engineers.

So as a result, the gentleman from New Jersey (Mr. PAYNE) offered an amendment, which was accepted, to require the commission to also examine ways that we can encourage minorities and people with disabilities who are pursuing an education or career in science and engineering, and I think it is appropriate that the commission look into these issues as well and support efforts to ensure that all Americans have a chance to excel as we make the shift from an industrial age to an information age.

By addressing the problem now, countering the barriers which face women, minority, and disabled scientists and engineers, we can help to ensure that our labor force and the U.S. is ready to meet the challenges of the 21st century.

I am pleased to report that H.R. 3007 was passed by the Committee on Education and the Workforce, has been endorsed by the Institute of Electrical and Electronics Engineers, the IEEE-USA; the American Association of Engineering Societies, the National Society of Professional Engineers, the American Society of Mechanical Engineers, the Association of Women and Science, and in addition, it has been listed as one of the top 7 priorities for women by the Congressional Caucus for women's issues of this session.

Mr. Speaker, I want to thank all of my colleagues for working together in a bipartisan manner on this important legislation. In particular, the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on Science; and the gentleman from California (Mr. BROWN), the ranking member of the Committee on Science; as well as the ranking member of the Subcommittee on Technology, the gentleman from Michigan (Mr. BARCIA); and the vice chairman of the Subcommittee on Technology, the gentleman from Minnesota (Mr. GUTKNECHT), for their support of H.R. 3007. Also, the gentleman from Pennsylvania (Mr. GOODLING); the gentleman from Missouri (Mr. CLAY); the gentleman from Illinois (Mr. FAWELL); and the gentlewoman from Hawaii (Mrs. MINK), for bringing this bill to the floor today.

I look forward to working with them and my Senate counterparts to have this bill signed into law before the conclusion of the 105th Congress. I urge all of my colleagues to pass this important measure. I want to recognize some staff that have worked emphatically on this particular bill. Sandy Zimmit in particular, Richard Russell and others from the Committee on Science.

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted today to rise in support of H.R. 3007, establishing a commission on the advancement of women in science, engineering and technology development. The commission, to be comprised of 11 members, would examine the barriers that women face in science, engineering and technology, and present recommendations on how to overcome such barriers.

I commend the author of this legislation, my colleague from Maryland (Mrs. MORELLA), for her initiative and her tenacity in working on this issue and her determination to help expand opportunities for women in the fields of science, engineering and technology. We have worked together on many initiatives, particularly in the area of educational and employment opportunities for women. I am pleased to support her legislation and pleased to represent the minority on the Committee on Education and the Workforce who endorse this legislation.

The House approved this legislation several years ago, and I remember having the privilege to manage that bill on the floor at that time. I am pleased that we are working again on a continuation of this issue.

The commission, if created, will address an area critical to the future success of women in our society. With the rapid increase of jobs in the fields of science, engineering and technology, women must be poised to assume a greater role in this employment arena. While we debate the issue of whether we need to raise immigration limitations in order to fill technology jobs, we should also be looking at ways to fill these jobs with those who are currently underrepresented in that industry, including women and minorities. We may be able to fulfill our needs in this industry with our current population if they are probably trained and encouraged to enter this field.

There is abundant evidence that girls and women face barriers in the areas of science, engineering and technology. In some cases, these barriers are at the most basic levels, including elementary and secondary education. The 1992 report, "How Schools Shortchange Girls," published by the American Association of University Women, cited several reports in which girls did not do as well as boys in math and science tests and included evidence that girls were not encouraged to pursue studies or careers in math and science.

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Even though girls did well in these subject areas, they were not encouraged to pursue such studies.

Other issues that may deter women from these fields include sexual harassment, employment discrimination, lack of opportunities for postgraduate studies, difficulties in obtaining financial assistance, lack of access to computers and other technology, and the lack of active recruitment.

There are many complex issues involved, and I believe this commission is needed to learn more about barriers that women face in science and technology. We need sound policy recommendations to increase opportunities for women in science, engineering, and technology.

I urge my colleagues to support H.R. 3007.

Madam Speaker, I am pleased to yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Madam Speaker, I thank the gentlewoman from Hawaii for yielding to me.

Madam Speaker, I rise to strongly support H.R. 3007 and to thank and congratulate the gentlewoman from Maryland for her hard work in pressing this bill forward.

I rise also on behalf of the bipartisan Women's Caucus to express the strong support of the women of Congress for this particular bill.

The Women's Caucus is 21 years old this year. When you get to be 21, the Caucus decided that it is time to have your own must-pass agenda. The Caucus chose seven bills, all of them consensus bills, and presented those bills to the majority and minority leadership as bills that we thought would make every Member of this body proud.

I am delighted that this is the third of those bills to pass. Women's contraceptive choices for Federal employees has been one. It was not the first. The first was Provisions of the Violence Against Women Act. Tomorrow, Madam Speaker, the Mammography Quality Standards Act, another of the bills that the Congressional Women's Caucus urged on this body, will come to the floor.

I am pleased that the Commission on the Advancement of Women in Science, Engineering, and Technology Development Act now includes also minority and disabled people because this bill comes to the floor at a most propitious time.

There are bills at this time to increase the number of technological workers that would be imported from abroad because of a shortage that all can see throughout the country of such workers. Some oppose those bills because they want such jobs to go to our own workers.

At the same time, we must concede that the shortage is created by the failure of our own workers to be prepared in sufficient numbers for these jobs. So that in order to keep the jobs in this country, some have come forward to say let us import workers for these jobs.

The gentlewoman has focused on one of the reasons for this dilemma in looking to underutilize parts of our population. Women who are now almost half of the work force are far less than half of those represented in science and engineering, yet they come from the same homes, the same backgrounds, the same communities.

We see similar disparities for minorities and disabled people. Surely as we enter a period when technology is the overriding need of the work force, we do not want to leave underrepresented people who would have such skills to offer if they could only be uncovered. So we must begin by finding out why and then finding out what can be done about this dilemma.

This bill in my judgment uses the most efficient way to go at this problem. It is a vehicle designed to find what the facts are and then to get something done.

The commission consists of people from industry and from education. Now those are the people directly responsible for filling this gap. Important fact finding will be an important part of the commission; how to recruit and retain minorities and women and disabled people.

Such other matters, as what kinds of model programs are there in education and in industry that are already successfully recruiting and retaining minorities and women will, through this commission, be made available to others throughout the country.

This is an innovative piece of legislation that will cost virtually nothing but is likely to produce a great deal for our country. I am pleased that this important bill has come to the floor at the request of the Congressional Women's Caucus among others who recognize the great good it can do. I once again congratulate the gentlewoman from Maryland (Mrs. MORELLA) for her initiative.

Mr. FAWELL. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I wish to commend the gentlewoman from Maryland (Mrs. MORELLA) for her leadership in putting all of this legislation together and being deeply concerned about the identifying factors that contribute to the underrepresentation of women and minorities and individuals with disabilities in science and technology, an area in which I know the gentlewoman from Maryland has a vast background in. So my congratulations to the gentlewoman from Maryland for being the leading figure here to bring this legislation before us.

Madam Speaker, today I rise in support of this legislation, a bill to establish the Commission on the Advancement of Women in Science, Engineering and Technology Development Act.

The bill establishes an 11-member commission whose purpose would be twofold, first to identify factors contributing to the underrepresentation of women and minorities and individuals with disabilities in the fields of science, engineering, and technology; second, to identify both successful and unsuccessful university and employment policies and practices used to recruit, to retain, and to advance high-tech careers for women and minorities.

Within 1 year, the commission would be required to transmit to Congress and the governors a report containing recommendations on how Federal, State, and local governments, schools, universities, and private industry can encourage women, minorities, and individuals with disabilities to enter the fields of science, engineering, and technology development.

The bill is reported out of both the Committee on Science and the Committee on Education and the Work Force, made several streamlining changes to the introduced bill in order to strengthen the commission.

In addition, this bill includes language to ensure that States are active participants in the commission's selection process by allowing the Chairman and the Vice Chairman of the National

Governors Association to appoint four of the 11 commission members.

The bill has been expanded to cover not only women but minorities and individuals with disabilities as well, as I had previously indicated. The bill, as altered, permits the President to select one member of the commission and, in addition, allows the minority leaders of the House and the Senate to each select one member of the commission.

This change will still only permit 11 individuals to sit on the commission and should be noted that the Speaker of the House and the Senate majority leader get to choose two members each.

Other than the aforementioned changes, this bill is identical to H.R. 3007 as reported out of the Committee on Science.

Finally, I am pleased to note that the bill has received the endorsement of the Institute of Electrical and Electronics Engineers, the National Society of Professional Engineers, Women in Technology, and the Association of Women in Science.

I simply urge my colleagues support of this legislation.

Madam Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Madam Speaker, I thank my colleague for yielding to me.

Madam Speaker, over the past dozen years, technology has reshaped the face of our economy and our society. From transportation to health care to manufacturing to education, all sectors have been transformed. We can only expect that the dynamic growth in high technology industries and the jobs that they will produce will continue well into the 21st Century.

That is good news. But, unfortunately, while we have made significant progress in recent years to bolster our high-tech work force by integrating women and minorities and people with disabilities, their numbers remain pathetically low.

For example, women represent nearly 50 percent of all U.S. workers but they comprise only 22 percent of the entire science and engineering workforce. We can and must do better.

In our increasingly technological society, education in science and engineering is critically important. H.R. 3007 will help us identify how best to bolster the enrollment of women, minority and people with disabilities in science and engineering programs in our universities, and how to boost and retain their numbers in our workforce.

This bill has been endorsed by the IEEE, the Institute of Electrical and Electronics Engineers, the Association of Women in Science, the National Society of Professional Engineers, the American Society of Mechanical Engineers and the American Association of Engineering Societies. These groups recognize that every sector of the population must be represented in their industry. I strongly support this bill and urge my fellow Members to support it as well. It is good for science, good for the workforce and our economy and good for the future technological vitality of America.

Finally, I thank the gentlewoman from Maryland (Mrs. MORELLA) for her leadership, for providing the inspiration and the incentive to get this bill moving. I would say to the gentlewoman from Maryland (Mrs. MORELLA), the House, the Nation, owe you a debt of gratitude.

Mr. DAVIS of Virginia. Madam Speaker, I am very pleased that we are considering today H.R. 3007, the Commission on the Advancement of Women in Science, Engineering, and Technology Development Act, introduced by Representative MORELLA, and of which I am proud to be co-sponsor. This bill is essential to America's continued global competitiveness in developing innovative science and technological advances.

With science and technology being kept components of our nation's economic dominance in the world, we have to keep up in fostering and mining the talents of all our children, both male and female. Since females currently make up very few of our nation's scientists, engineers, and technological innovators, we have a responsibility to steer our businesses, colleges, and communities in a direction that will encourage women to participate in each of these areas.

This legislation represents a critical, positive step towards attracting more women to the study and pursuit of careers in science, engineering, and technology. Fields which have historically been dominated by men. It creates a Commission that will identify over a 1-year period, the factors responsible for the relative lack of women pursuing educations and careers in these disciplines. The Commission will then transmit to Congress their findings and recommendations for encouraging increased female participation in these fields.

I want to commend Mrs. MORELLA for her work on H.R. 3007 in the Science Subcommittee on Technology as well as all of my colleagues on the full Science Committee. This is a worthwhile bill that deserves the support of every Member, and I encourage my colleagues on both sides of the aisle to vote in favor of this legislation.

Mr. MARTINEZ. Madam Speaker, I rise in strong support of H.R. 3007, which would establish the Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development.

I applaud my good friend Congresswoman MORELLA for authoring this important piece of legislation.

I also thank my colleague on the Committee on Education and the Workforce for amending the legislation during markup to expand the scope of the Commission to minorities.

Historically, women have been underrepresented in scientific occupations.

Barriers to their pursuit of such careers are often found early in their education, when encouragement to achieve in math and science is much more prevalent for boys than for girls.

However, those women who do choose a career path in the sciences or engineering also encounter obstacles later in life, when they experience discrimination, harassment, lower salaries, and limited opportunities for advancement as compared to their male counterparts. Minorities face similar obstacles throughout their lives.

Although blacks, Hispanics and native Americans represent 23 percent of the population, only 6 percent are scientists or engineers.

While the prospects for increasing the representation of women and minorities in these fields are improving, much work still needs to be done.

The Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development would focus attention on the barriers to the recruitment, retention, and advancement of women and minorities in the fields of science and engineering and issue recommendations to break down these barriers and promote equal opportunity.

Later this week, we will consider legislation to expand the H–1B program, because high-tech employers are desperate for workers.

It is my contention that we should also be dedicating ourselves to increasing, the opportunities for Americans to pursue these careers.

I believe that H.R. 3007 is an important step in this direction, and I urge my colleagues to support its passage.

Mrs. MINK of Hawaii. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. FAWELL) that the House suspend the rules and pass the bill, H.R. 3007, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to establish the Commission on the Advancement of Women and Minorities in Science, Engineering, and Technology Development.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAWELL. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3007, S. 2112 and S. 2206.

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

There was no objection.

CONVEYANCE OF FEDERAL LAND TO CITY OF TRACY, CALIFORNIA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2508) to provide for the conveyance of Federal land in San Joaquin

County, California, to the City of Tracy, California, as amended.

The Clerk read as follows:

H.R. 2508

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

SECTION 1. LAND CONVEYANCE, FEDERAL LAND, SAN JOAQUIN COUNTY, CALIFORNIA.

(a) CONVEYANCE REQUIRED.—Notwithstanding any other provision of law (including the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)), the Attorney General shall convey to the City of Tracy, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to two parcels of real property, consisting of a total of approximately 200 acres, which are located in San Joaquin County, California, and currently administered by the Federal Bureau of Prisons of the Department of Justice.

(b) PURPOSE OF CONVEYANCE.—(1) One of the parcels to be conveyed under subsection (a) consists of approximately 150 acres and is being conveyed for the purpose of permitting the City to use the parcel as the location of a joint secondary and post secondary educational facility and for other educational purposes. If the City determines that a joint secondary and post secondary educational facility is unfeasible for this parcel, the City shall use up to 50 acres of the parcel for at least 30 years as the location for a secondary school and for other educational purposes and use up to 100 acres of the parcel as a public park and for other recreational purposes.

(2) The other parcel to be conveyed under subsection (a) consists of approximately 50 acres and is being conveyed for the purpose of permitting the City to use the parcel for economic development.

(c) TIME FOR CONVEYANCE.—Not later than 210 days after the date of the enactment of this Act, the Attorney General shall complete the conveyance to the City of the parcel of real property referred to in subsection (b)(1).

(d) CONSIDERATION.—(1) The parcel of real property referred to in subsection (b)(1) shall be conveyed to the City without consideration.

(2) As consideration for the conveyance of the parcel referred to in subsection (b)(2), the City shall pay to the Attorney General, under such terms as may be negotiated by the City and the Attorney General, an amount equal to the fair market value of the parcel as of the time of the conveyance. The fair market value of the parcel shall be determined, in consultation with the Administrator of General Services, in accordance with Federal appraisal standards and procedures.

(e) CONDITIONS ON USE.—(1) The use of the real property conveyed under subsection (a) for educational purposes, as provided in subsection (b)(1), shall be subject to the approval of the Secretary of Education under the guidelines for educational use conveyances under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(2) If a portion of the conveyed real property is used as a public park or for other recreational purposes, as provided in subsection (b)(1), the use of such portion shall be subject to the approval of the Secretary of the Interior under the guidelines for recreational use conveyances under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(f) REVERSIONARY INTERESTS.—(1) During the 20-year period beginning on the date the Attorney General conveys the parcel referred to in subsection (b)(1), if the Secretary of Education determines that the portion of the parcel that is to be used for educational purposes is not being used for such purposes, all right, title, and interest in and to that portion of the parcel, including any improvements thereon, shall revert to the Department of Justice.

(2) If a portion of the parcel referred to in subsection (b)(1) is to be used as a public park or for other recreational purposes, as provided in such subsection, and the Secretary of the Interior determines that such portion is no longer being used for such purposes, all right, title, and interest in and to that portion of the property, including any improvements thereon, shall revert to the Department of Justice.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Attorney General. The cost of the survey shall be borne by the City.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Attorney General may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Attorney General considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore (Mrs. MORELLA). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

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

Madam Speaker, I am appearing on behalf of the gentleman from California (Mr. HORN), who has worked on this measure. H.R. 2508 is a bill to provide for the conveyance of Federal land in San Joaquin County, California, to the City of Tracy, California. This piece of legislation transfers a 200 acre parcel of real estate currently administered by the Department of Justice to the City of Tracy, California.

Under this measure, the City of Tracy would be required to devote a section of the land to the establishment of a school; would also be used for economic development. The Federal Government would retain a reversionary interest, should the government find that the land is not used for those purposes.

The land in question, Madam Speaker, has been sitting vacant since 1981. The proposed development of this land by the City of Tracy would bring significant benefits to that area. The amendment in the nature of a substitute makes minor changes to the bill, such as adjusting the requirement that the City of Tracy, California, use a section of the conveyed land for educational purposes and a section for economic development. The city would be required to pay the fair market value for the property used for economic development.

It is a bipartisan measure that will result in improved opportunities for education, for recreation and economic development, in California's Central Valley. Accordingly, I urge our colleagues to support this measure.

Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. POMBO).

□ 1500

Mr. POMBO. Madam Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding me this time.

This bill, H.R. 2508, is the culmination of many years of work that we have put in in trying to address the educational needs of the community that I am from, Tracy, California. The city and the school district have come up with a very innovative idea, and that is to create a school that will be a high-technology school that will take all the way from kindergarten through post-secondary education.

Madam Speaker, as part of that, a small portion of this land would also be dedicated for economic development. That small portion of this land that is dedicated to economic development will be targeted toward high-technology firms, which will have the ability to come in and set up a cooperative effort with the school district so that the kids that are graduated from this school, with the vocational education that they need, can go directly from education into working for these high-technology firms. It is an innovative idea. It is something that a lot of people have worked extremely hard on in coming up with this plan.

But once they came up with the plan for what they were going to do, they needed a site to locate that school. This particular site is located just on the outskirts of town. It is currently located in an area that is zoned either as industrial or residential. It is located right across the street from a major residential development which is planned for the future. It is an ideal site for this kind of a high-technology school to be located. It is also very near the new rail system that is being put in where people will be commuting from the Central Valley in California over to the Bay area. So as far as a transportation corridor, it is ideally located for a post-secondary educational facility, as well as for the needs of the high schools in the area.

Madam Speaker, the city has estimated that over the next 12 years, there is going to be a need for two additional high schools to be built in the City of Tracy. This will just be one of those additional high schools.

I think what we have put together is a plan that is a win-win for everyone. It is creating tax revenue for the local city. It is giving the city a facility for economic development, as well as addressing the needs of our kids in the Federal Government providing just the land for a site for a school system. So, it is very positive. I think it is a win-win situation for everybody.

Madam Speaker, I would like to thank the chairman and the ranking member of the subcommittee who worked with me in putting together this legislation. They were invaluable in trying to negotiate something that was fair to the Federal taxpayer as well as fair to the local school district and local city. I thank them for all the hard work they put in.

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

Mr. Speaker, the gentleman from Ohio (Mr. KUCINICH), the ranking member, could not be here at this time. I am pleased to note that the minority has worked with the gentleman from California (Mr. POMBO) and with the majority on this matter of special concern to the gentleman, and we have no objections to this bill.

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

CALIFORNIA AGRICULTURE IS IN CRISIS DUE TO LABOR SHORTAGE

Mr. RADANOVICH. Mr. Speaker, as a Member of Congress from the San Joaquin Valley of California, I am proud to represent the two largest agricultural producing counties in the United States. Currently, a severe shortage of labor is raising concern over the economic future of the agriculture community throughout California. Agricultural production is nearly a $25 billion industry in the state, and California has the largest agricultural economy in the nation. Right now, farmers are competing for the same scarce labor force as the raisin, table and wine grape harvest is entering its peak and tree fruit in the state of Washington and are in need of labor. California has not seen a labor shortage of this magnitude since World War II.

The agricultural community has worked with numerous San Joaquin Valley Social Services Departments and Employment Development Departments to provide needed labor from individuals who are unemployed or entering the workforce after receiving welfare. Such actions have failed to supply adequate labor for harvest. Agricultural groups in Fresno, California are currently looking into the feasibility of a program through the Fresno County Sheriff's office to allow agriculture to use the labor involved with work furlough programs, community service, and inmate work projects.

The agricultural labor situation can be alleviated through action by the federal government. Under a reformed agricultural worker program, substantial opportunities will be given to foreign workers who can often earn significantly more in the U.S. than in their own country. Such reform reduces illegal immigration by creating a streamlined process to temporarily legalize individuals who choose to work in the agricultural sector of the U.S.

I am working to include the Agricultural Job Opportunity, Benefits and Security Act, authorized by Senator GORDON SMITH (R–OR), in the final conference language of the Commerce, Justice, State and Judiciary appropriations measure. The act was approved as a amendment to S. 2260, the Senate Commerce, Justice, State and Judiciary appropriations bill. It passed by a bipartisan vote of 68–31 in the Senate. Related House legislation did not contain the agricultural worker provision. The Senate measure establishes a national registry within the Department of Labor to track agricultural job seekers. Employers are required to first hire domestic workers from the registry and are able to hire foreign workers if domestic workers are not available. Housing or a housing allowance must be provided by growers, and the prevailing wage rate must be paid. The prevailing wage rate is the mid-point of all wages earned, and it is always higher than the minimum wage.

On behalf of the farmers in the San Joaquin Valley in California, I urge the Commerce, Justice, State, and Judiciary conferees to include the Agricultural Job Opportunity, Benefits, and Security Act in the final bill. I also strongly encourage all members of the House to support its passage. A stable, reliable and affordable food supply is dependent upon Congressional approval of this measure.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 2508, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. 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. 2508, the bill just passed.

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

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m.

Accordingly (at 3 o'clock and 3 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1715

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska) at 5 o'clock and 15 minutes p.m.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 2206, by the yeas and the nays;.

House Concurrent Resolution 304, by the yeas and nays;.

House Concurrent Resolution 254, by the yeas and nays; and.

House Concurrent Resolution 185, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

HUMAN SERVICES REAUTHORIZATION ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2206, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the Senate bill, S. 2206, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 346, nays 20, not voting 68, as follows:

[Roll No. 426]

YEAS—346

Abercrombie	Brown (CA)	Delahunt
Aderholt	Brown (OH)	DeLauro
Allen	Bryant	Deutsch
Andrews	Bunning	Diaz-Balart
Archer	Burr	Dickey
Armey	Burton	Dicks
Baesler	Buyer	Dixon
Baker	Callahan	Dooley
Baldacci	Calvert	Doyle
Ballenger	Camp	Dunn
Barcia	Campbell	Edwards
Barrett (NE)	Canady	Ehlers
Barrett (WI)	Cannon	Ehrlich
Bartlett	Capps	Emerson
Barton	Cardin	Ensign
Bass	Castle	Eshoo
Bateman	Chabot	Etheridge
Becerra	Chambliss	Everett
Bentsen	Chenoweth	Ewing
Bereuter	Christensen	Farr
Berman	Clay	Fattah
Berry	Clement	Fawell
Bilbray	Clyburn	Fazio
Bilirakis	Combest	Filner
Bishop	Condit	Foley
Blagojevich	Conyers	Forbes
Bliley	Cooksey	Ford
Blunt	Costello	Fossella
Boehlert	Cox	Fowler
Boehner	Coyne	Fox
Bonilla	Cramer	Frank (MA)
Bonior	Cubin	Franks (NJ)
Bono	Cummings	Frelinghuysen
Borski	Cunningham	Frost
Boswell	Davis (FL)	Gallegly
Boucher	Davis (IL)	Ganske
Boyd	Davis (VA)	Gejdenson
Brady (PA)	DeFazio	Gekas
Brady (TX)	DeGette	Gephardt

Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Roybal-Allard
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sawyer
Schaefer, Dan
Schaffer, Bob
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

NAYS—20

Coble
Coburn
Collins
Crane
Deal
DeLay
Doolittle
Duncan
Istook
McIntosh
Miller (FL)
Paul
Pombo
Radanovich
Royce
Sanford
Scarborough
Sensenbrenner
Stearns
Stump

NOT VOTING—68

Ackerman
Bachus
Barr
Blumenauer
Brown (FL)
Carson
Clayton
Cook
Crapo
Danner
Dingell
Doggett
Dreier
Engel
English
Evans
Furse
Gonzalez
Goss
Green
Hansen
Harman
Hastings (FL)
Hooley
Jefferson
Kennedy (MA)
Kennelly
Kilpatrick
Klink
LaHood
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
McCarthy (MO)
McDade
McIntyre
Meeks (NY)
Minge
Moakley
Nadler
Neal
Oberstar
Owens
Pelosi
Pickering
Poshard
Pryce (OH)
Rangel
Riggs
Ros-Lehtinen
Rothman
Rush
Ryun
Saxton
Schumer
Sessions
Stabenow
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Watt (NC)
Waxman
Yates
Young (FL)

□ 1737

Mrs. WILSON and Mr. HASTERT changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote No. 426 on S. 2206, I was unavoidably detained in transit on US Airways. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 426, the Community Opportunities, Accountability, and Training and Educational Services Act of 1998, S. 2206, I was unavoidably detained. Had I been present, I would have voted "yea."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

SENSE OF CONGRESS REGARDING SLOBODAN MILOSEVIC

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 304.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 304, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 369, nays 1, answered "present" 1, not voting 63, as follows:

[Roll No. 427]

YEAS—369

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (OH)
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker

Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Roybal-Allard
Royce
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)

NAYS—1

Paul

ANSWERED "PRESENT"—1

Kucinich

NOT VOTING—63

Ackerman
Bachus
Barr
Blumenauer
Brown (FL)
Buyer
Carson
Clayton
Cook
Crapo
Cunningham
Engel
English
Gekas
Gonzalez
Goss
Green
Hamilton
Hansen
Harman
Hastings (FL)
Hooley
Jefferson
Kennedy (MA)
Kennelly
Kilpatrick
Klink
LaHood
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
McDade
McIntyre
Meeks (NY)
Minge
Moakley
Nadler
Neal
Oberstar
Owens
Pelosi
Pickering
Poshard
Pryce (OH)
Rangel
Riggs
Ros-Lehtinen
Rothman
Rush
Schumer
Sessions
Stabenow
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Watt (NC)
Waxman
Yates
Young (FL)

□ 1745

So (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 427, expressing the sense of Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, H. Con. Res. 304, I was unavoidably detained. Had I been present, I would have voted "yea."

CALLING ON GOVERNMENT OF CUBA TO EXTRADITE JOANNE CHESIMARD TO UNITED STATES

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 254, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 254, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 0, not voting 63, as as follows:

[Roll No. 428]

YEAS—371

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

NOT VOTING—63

Ackerman
Archer
Bachus
Barr
Berman
Blumenauer
Boehner
Brown (FL)
Clayton
Cook
Crapo
Engel
English
Gonzalez
Goss
Graham
Green
Hansen
Harman
Hastings (FL)
Hooley
Jefferson
Kennedy (MA)
Kennelly
Kilpatrick
Klink
LaHood
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
McDade
McIntyre
Meeks (NY)
Minge
Moakley
Nadler
Neal
Oberstar
Owens
Pelosi
Pickering
Poshard
Pryce (OH)
Rangel
Riggs
Ros-Lehtinen
Rothman
Rush
Schumer
Sessions
Stabenow
Tauzin
Taylor (NC)
Tiahrt
Towns
Velázquez
Watt (NC)
Waxman
Wise
Yates
Young (FL)

□ 1753

So (two-thirds having voted in favor thereof) the rules were suspended, and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 428, calling on the Government of Cuba to extradite to the United States convicted felon Joanne Chesinard and all other individuals who have fled the United States to avoid prosecution of confinement for criminal offenses and who are currently living freely in Cuba, H. Con. Res. 254, I was unavoidably detained. Had I been present, I would have voted "yea."

SENSE OF CONGRESS ON 50TH ANNIVERSARY OF SIGNING OF UNIVERSAL DECLARATION OF HUMAN RIGHTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 185.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 185, as amended, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 370, nays 2, not voting 62, as follows:

[Roll No. 429]

YEAS—370

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

NAYS—2

Chenoweth
Paul

NOT VOTING—62

Ackerman
Bachus
Barr
Blumenauer
Brown (FL)
Clayton
Cook
Coyne
Crapo
Engel
English
Gonzalez
Goss
Granger
Green
Hansen
Harman
Hastings (FL)
Hooley
Jefferson
Kennedy (MA)
Kennelly
Kilpatrick
Klink
LaHood
Lazio
Lewis (GA)
Lowey
Maloney (CT)
Maloney (NY)
Manzullo
McDade
McIntyre
Meeks (NY)
Millender-McDonald
Minge
Moakley
Nadler
Neal
Oberstar
Owens
Pelosi
Pickering
Poshard
Pryce (OH)
Rangel
Riggs
Ros-Lehtinen
Rothman
Rush
Schumer
Sessions
Stabenow
Tauzin
Taylor (NC)
Tiahrt
Towns
Velazquez
Watt (NC)
Waxman
Yates
Young (FL)

□ 1801

So the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to personal business, I was unable to record my vote on several measures. Had I been present, I would have voted "aye" on S. 2206, the Community Opportunities, Accountability, Training and Educational Services Act of 1998; "aye" on H. Con. Res. 304, Regarding the Culpability of Slobodan Milosevic for War Crimes; "aye" on H. Con. Res. 254, Calling on the Government of Cuba to Extradite Several Convicted Felons; and "aye" on H. Con. Res. 185, Expressing the Sense of the Congress on the Occasion of the 50th Anniversary of the Signing of the Universal Declaration of Human Rights.

PERSONAL EXPLANATION

Mr. MALONEY of Connecticut. Mr. Speaker, on rollcall votes Nos. 426, 427, 428, and 429, I was unavoidably detained. Had I been present to vote, I would have voted Yea on all four rollcall votes.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, during rollcall vote No. 429, Expressing the Sense of the Congress on the Occasion of the 50th Anniversary of the Signing of the Universal Declaration of Human Rights and Recommitting the United States to the Principles Expressed in the Universal Declaration, H. Con. Res. 185 I was unavoidably detained. Had I been present, I would have voted "yea."

SENSE OF CONGRESS REGARDING SLOBODAN MILOSEVIC

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate concurrent resolution (H. Con. Res. 105) expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes, and I ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 105

Whereas there is reason to mark the beginning of the conflict in the former Yugoslavia with Slobodan Milosevic's rise to power beginning in 1987, when he whipped up and exploited extreme nationalism among Serbs, and specifically in Kosovo, including support for violence against non-Serbs who were labeled as threats;

Whereas there is reason to believe that as President of Serbia, Slobodan Milosevic was responsible for the conception and direction of a war of aggression, the deaths of hundreds of thousands, the torture and rape of tens of thousands and the forced displacement of nearly 3,000,000 people, and that mass rape and forced impregnation were among the tools used to wage this war;

Whereas "ethnic cleansing" has been carried out in the former Yugoslavia in such a consistent and systematic way that it had to be directed by the senior political leadership in Serbia, and Slobodan Milosevic has held such power within Serbia that he is responsible for the conception and direction of this policy;

Whereas, as President of the Federal Republic of Yugoslavia (Serbia and Montenegro), Slobodan Milosevic is responsible for the conception and direction of assaults by Yugoslavian and Serbian military, security, special police, and other forces on innocent civilians in Kosovo which have so far resulted in an estimated 300 people dead or missing and the forced displacement of tens of thousands, and such assaults continue;

Whereas on May 25, 1993, United Nations Security Council Resolution 827 created the International Criminal Tribunal for the former Yugoslavia located in The Hague, the Netherlands (hereafter in this resolution referred to as the "Tribunal"), and gave it jurisdiction over all crimes arising out of the conflict in the former Yugoslavia;

Whereas this Tribunal has publicly indicted 60 people for war crimes or crimes against humanity arising out of the conflict in the former Yugoslavia and has issued a number of secret indictments that have only been made public upon the apprehension of the indicted persons;

Whereas it is incumbent upon the United States and all other nations to support the Tribunal, and the United States has done so by providing, since 1992, funding in the amount of $54,000,000 in assessed payments and more than $11,000,000 in voluntary and in-kind contributions to the Tribunal and the War Crimes Commission which preceded it, and by supplying information collected by the United States that can aid the Tribunal's investigations, prosecutions, and adjudications;

Whereas any lasting, peaceful solution to the conflict in the former Yugoslavia must be based upon justice for all, including the most senior officials of the government or governments responsible for conceiving, organizing, initiating, directing, and sustaining the Yugoslav conflict and whose forces have committed war crimes, crimes against humanity and genocide; and

Whereas Slobodan Milosevic has been the single person who has been in the highest government offices in an aggressor state since before the inception of the conflict in the former Yugoslavia, who has had the power to decide for peace and instead decided for war, who has had the power to minimize illegal actions by subordinates and allies and hold responsible those who committed such actions, but did not, and who is once again directing a campaign of ethnic cleansing against innocent civilians in Kosovo while treating with contempt international efforts to achieve a fair and peaceful settlement to the question of the future status of Kosovo: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the United States should publicly declare that it considers that there is reason to believe that Slobodan Milosevic, President of the Federal Republic of Yugoslavia (Serbia and Montenegro), has committed war crimes, crimes against humanity and genocide;

(2) the United States should make collection of information that can be supplied to the Tribunal for use as evidence to support an indictment and trial of President Slobodan Milosevic for war crimes, crimes against humanity, and genocide a high priority;

(3) any such information concerning President Slobodan Milosevic already collected by the United States should be provided to the Tribunal as soon as possible;

(4) the United States should provide a fair share of any additional financial or personnel resources that may be required by the Tribunal in order to enable the Tribunal to adequately address preparation for, indictment of, prosecution of, and adjudication of allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo;

(5) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of information any such state may hold relating to allegations of war crimes and crimes against humanity posed against President Slobodan Milosevic and any other person arising from the conflict in the former Yugoslavia, including in Kosovo, and press such states to promptly provide all such information to the Tribunal;

(6) the United States should engage with other members of the North Atlantic Treaty Organization and other interested states in a discussion of measures to be taken to apprehend indicted war criminals and persons indicted for crimes against humanity with the objective of concluding a plan of action that will result in these indictees' prompt delivery into the custody of the Tribunal; and

(7) the United States should urge the Tribunal to promptly review all information relating to President Slobodan Milosevic's possible criminal culpability for conceiving, directing, and sustaining a variety of actions in the former Yugoslavia, including Kosovo, that have had the effect of genocide, of other crimes against humanity, or of war crimes, with a view toward prompt issuance of a public indictment of Milosevic.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 304) was laid on the table.

PERSONAL EXPLANATION

Ms. CARSON. Mr. Speaker, due to travel delays, I unavoidably missed rollcall vote No. 426 and No. 427. Had I been here, I would have voted in the affirmative.

AUTHORIZING PRINTING OF PUBLICATION ENTITLED "THE UNITED STATES CAPITOL" AS SENATE DOCUMENT

Mr. NEY. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate concurrent resolution (S. Con. Res. 115) to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 115

Resolved by the Senate (the House of Representatives concurring), That (a) a revised edition of the publication entitled "The United States Capitol" (referred to as "the pamphlet") shall be reprinted as a Senate document.

(b) There shall be printed 2,000,000 copies of the pamphlet in the English language at a cost not to exceed $100,000 for distribution as follows:

(1)(A) 206,000 copies of the publication for the use of the Senate with 2,000 copies distributed to each Member;

(B) 886,000 copies of the publication for the use of the House of Representatives, with 2,000 copies distributed to each Member; and

(C) 908,000 of the publication for distribution to the Capitol Guide Service; or

(2) if the total printing and production costs of copies in paragraph (1) exceed $100,000, such number of copies of the publication as does not exceed total printing and production costs of $100,000, with distribution to be allocated in the same proportion as in paragraph (1).

(c) In addition to the copies printed pursuant to subsection (b), there shall be printed at a total printing and production cost of not to exceed $70,000—

(1) 50,000 copies of the pamphlet in each of the following 5 languages: German, French, Russian, Chinese, and Japanese; and

(2) 100,000 copies of the pamphlet in Spanish;

to be distributed to the Capitol Guide Service.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

REPORT ON UNITED STATES PARTICIPATION IN THE UNITED NATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United

States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

I am pleased to transmit herewith a report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1997. The report is required by the United Nations Participation Act (Public Law 79–264; 22 U.S.C. 287b).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 14, 1998.*

REPORT ON NATION'S ACHIEVEMENTS IN AERONAUTICS AND SPACE DURING FISCAL YEAR 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year (FY) 1997, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 13 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.

A wide variety of aeronautics and space developments took place during FY 1997. The National Aeronautics and Space Administration (NASA) successfully completed eight Space Shuttle flights. There were 23 successful U.S. Expendable Launch Vehicle (ELV) launches in FY 1997. Of those, 4 were NASA-managed missions, 2 were NASA-funded/Federal Aviation Administration (FAA)-licensed missions, 5 were Department of Defense-managed missions, and 12 were FAA-licensed commercial launches. The Mars Pathfinder spacecraft and Sojourner rover captured the public's attention with a very successful mission. Scientists also made some dramatic new discoveries in various space-related fields such as space science, Earth science and remote sensing, and life and microgravity science. In aeronautics, activities included work on high-speed research, advanced subsonic technology, and technologies designed to improve the safety and efficiency of our commercial airlines and air traffic control system.

Close international cooperation with Russia occurred on the Shuttle-*Mir* docking missions and on the International Space Station program. The United States also entered into new forms of cooperation with its partners in Europe, South America, and Asia.

Thus, FY 1997 was a very successful one for U.S. aeronautics and space programs. Efforts in these areas have contributed significantly to the Nation's scientific and technical knowledge, international cooperation, a healthier environment, and a more competitive economy.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 14, 1998.*

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). 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.

GREAT LAKES NOT FOR SALE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last spring, the Canadian Province of Ontario approved a permit that would have allowed the Nova Group, an Ontario-based company, to divert 3 billion liters of water from Lake Superior over the next 5 years and sell that water to unspecified Asian countries.

In April, several of my colleagues, led by the gentleman from Michigan (Mr. STUPAK), and I introduced House Resolution 418 urging the President and the Senate to take the necessary action to prohibit the sale or diversion of Great Lakes water to foreign countries, businesses, corporations or individuals. Two weeks later, the Ministry of Environment of Canada announced the permit issued to the Nova Group would be canceled, but the door remained open to companies who wanted to buy and sell water out of the Great Lakes. We need to slam that door shut.

Last week, on September 2, the Nova Group asked the Ontario Environmental Appeals Board to overturn the decision, withdrawing the permit, and allow that company to proceed with its bid to export billions of liters of fresh water to several Asian countries.

The gentleman from Michigan (Mr. STUPAK) and I and others have asked Speaker GINGRICH and Minority Leader GEPHARDT to have the House consider House Resolution 418 under suspension in the next couple of weeks.

This proposed sale is particularly troubling, due to the existence of several treaties and agreements between the United States and Canada, which would restrict or prohibit this kind of water diversion. The Water Resources Development Act prohibits the diversion of water from the Great Lakes to other parts of the United States without the consent of each of the Governors of the Great Lakes States. I believe these States should continue to have authority regarding any plans to divert or sell this water internationally.

This proposal would set a dangerous precedent that could lead to more extensive exports of Great Lakes water around the globe. The diversion of Great Lakes water could have a serious impact on the region's trade, the environment, the ecology, international treaties, drinking water, recreation, commercial activities, and shipping.

The Great Lakes are clearly one of this Nation's most valuable resources, and should not be used as a tool for profit by foreign or American companies. Northeast Ohio depends on Lake Erie for sustaining numerous parts of our economy, including transportation, agriculture, fisheries, energy and trade, not to mention drinking water. All of the Great Lakes States, Minnesota, Michigan, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania and New York, all of us depend on the five Great Lakes for much of our commerce, for much of our economic development, for drinking water, for recreation, for fishing, for all kinds of activities.

I urge the Governments of Canada and the United States to develop a new policy bilaterally that prohibits any sale or diversion of water from the Great Lakes and that we make this prohibition for generations to come. We cannot afford, Mr. Speaker, to put the Great Lakes up for sale.

PRESIDENT SHOULD RESIGN FROM OFFICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, I stand before my colleagues again to reaffirm my position made a couple of weeks ago that the President of the United States should resign from office.

Now, I know that a lot of my colleagues are engaged in a very active debate which will continue for some period of time about whether or not the President in fact should continue in office, or whether or not the President is guilty of certain allegations that have been brought forth. But I want to put this on a practical point of view.

I think the best comparison that we can make is to compare it to the quarterback of a football team. Our President is the quarterback of this team. He is the most important and most responsible, is supposed to have the most responsibility of any individual citizen in this country. Frankly, we now have a quarterback with a broken arm.

Now, think about it. No matter how we think that quarterback got his arm broken, and I happen to think it was self-inflicted, I happen to think he brought it upon himself, but there are

those of us who think that it was not brought on by his own actions, or that he did not deserve a broken arm, but the fact is, the President has a broken arm. He cannot quarterback the team.

Now, our team is the most powerful team in the world. There are a lot of people that are gunning for us. We cannot afford to have a quarterback who cannot carry out the responsibilities of the team on the field.

But we had the foresight to think about this. We have in this country a backup plan. We have a backup quarterback. We have a backup quarterback on the sidelines ready to go. It is important for this team, it is important for the United States of America, to have somebody who can carry out the responsibilities that are placed upon this job.

I also want to speak about standards. Coming on the airplane today back to Washington, D.C., I heard people say, well, let us just take a wink at this thing. Let us put it aside. I said, wait a second. What would happen to a school teacher? How many teachers in any district in this country, if they got that kind of report on them, on Friday, would be in a classroom today, on Monday?

Let us go back to sports. Look at Marv Albert. He had some kind of a sexual problem. He had a public job, he was in the public. It is the same thing here. People say, well, it is one's private life. Folks, this is a public job. It is public business. The same thing with Kelly Flynn. She was flying a nuclear bomber. They relieved her of command of that bomber because that position involves so much responsibility, is so important to the team, we could not afford to have her on this with the lies about her affair.

What about the Commander in Chief? We have standards. We have standards for a Boy Scout or a Girl Scout to get a good citizenship award. How can we explain to them that, well, the standards are applicable unless one is in elected office in this government, and then we kind of wink about it?

I heard somebody on the airplane say, well, you know, everybody lies. Everybody does not lie. Everybody does not lie to a spouse or a grand jury.

□ 1815

Everybody does not deal in that way. Everybody does not lie to a civil jury. Everybody does not do this kind of behavior. I am one of those people that is pretty optimistic to think in fact everybody or most everybody in this country has a sense of responsibility.

Most people in this country want high standards for their schoolteacher. They want high standards for the principal. They want high standards for their Congressman, and they certainly want high standards for the President of the United States.

Whether we agree or not that the President got himself into his own problems, the question is can he now, with the situation as it exists, meet those high standards? Has he met those high standards?

Is this the example that any one of us would go into a classroom tomorrow and say I am proud of the President of the United States; this is what the Presidency should reflect?

How many of our young people at our schools when we ask them the four or five most admired people in the world, how many of them are going to list the President of the United States as one of them?

Since the President's speech on August 17, I have not been to one group, not one group of three or more people, where I have not heard a joke degrading the Presidency of the United States.

Folks, put our arguments aside about whether the President should or should not be there. The question is: Can he effectively quarterback our team with a broken arm? And the answer is very, very simple. He cannot. The President of the United States should resign. It is his responsibility. It is his duty. It is his country which comes first.

CURRENT CHAOS AND CRISIS IN RUSSIA

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under a previous order of the House, the gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

Mr. LANTOS. Mr. Speaker, early this morning I announced that, between now and the end of this legislative session, I shall take some time at the end of each legislative day's business to discuss the foreign policy issue. I am one of those who is overdosed on topic number one, which seems to mesmerize the media and some of the public.

I am of the opinion that the rest of the world has not come to a stop, that things are going on in Russia and Indonesia and the Balkans and in Brazil. We as elected Representatives have to deal with these issues.

Today I would like to begin a dialogue on Russia, the current chaos and crisis in Russia. I am inviting all of my colleagues across the political spectrum to join me in this dialogue. I wish we had spent 10 percent as much on the ramifications of the Russian crisis for American security in the years ahead as we spent on topic number one during the course of this past weekend.

Russia, Mr. Speaker, is in deep trouble. Gone are the great hopes of the early 1990s when the collapse of the Soviet Union gave all of us the dream that we will be able to cooperate with a democratic, increasingly prosperous Russia becoming a part of the family of nations and the partner and ally of the United States.

There is a great deal of blame that goes around. My purpose here is not to find fault with leaders here and abroad who make mistakes. My purpose is to deal with the Russia as we find her in mid September 1998 and ask some policy questions as to how we might be able to assist them to turn around the very dangerous course on which they have embarked.

Let me begin with the new Prime Minister of Russia, Mr. Primakov. From our point of view, no worse choice could have been possible. Primakov served loyally every Communist leader from Brezhnev on. He was head of the Russian International Spy Service. He is a close personal friend of Saddam Hussein and a close personal friend of Slobodan Milosevic who on this very floor a few minutes ago we declared a war criminal.

He is strongly anti-American. His appeal to the Russian Duma to a very large extent stems from his anti-American policies which he has pursued faithfully and with perseverance since becoming Foreign Minister of Russia. So I do not have very high hopes for Mr. Primakov.

But let me say, compared to the chaos, compared to the confusion, compared to the disintegration in Russia that we have seen in recent weeks, he may be the best momentary alternative. The Duma has voted him in. He is likely to enjoy the support of the Duma for some time to come.

The question for us to ask is how can we work with Primakov and this new Russian government in the very difficult days and weeks that lie ahead.

Let me say first a word about the economic crisis. Every week, millions of additional Russians are falling below the poverty level of Russia. The Russian poverty level is a very low level. Just in the first week of September, Mr. Speaker, prices in Russia increased by 36 percent. Russia has defaulted on its foreign debt obligations.

The hope that Russia can be transformed into a democratic market economy in the short run is gone. It is self-evident that, under this new government, there will be retrograde policies introduced. The printing presses will begin. Wages will be paid to people who have not been paid for months and months, but the following inflation will bring about further social dislocation and deterioration.

The regions of Russia are beginning to feel their new found power. There is a distinct possibility that Russia will break up into its constituent regions.

Tomorrow evening, with the Speaker's permission, I would like to continue with this discussion by focusing upon the regions of Russia, many of whom are determined to strike out for independence and to reject the central authority of Moscow.

SUBSTANCE ABUSE TREATMENT PARITY NEEDED NOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, while the Speaker's announced goal of a drug-free America by 2002 is a laudable one, it is also completely unrealistic without a meaningful treatment strategy. We will never even come close to a drug-free America until we knock down the barriers to chemical dependency treatment for 26 million Americans who are currently suffering the ravages of drug and alcohol addiction.

Since 1956, the American Medical Association has recognized that alcoholism and drug addiction are a disease. Yet only 2 percent of alcoholics and addicts covered by health insurance plans are receiving treatment, notwithstanding the purported coverage of chemical dependency treatment by these plans. That is because of discriminatory caps, artificially high deductibles and co-payments as well as other restrictions on chemical dependency treatment such as limited treatment stays that are different from other diseases.

To reduce illegal drug use in America, we must address the disease of addiction by putting chemical dependency treatment on par with treatment for other diseases.

Providing equal access to chemical dependency treatment with treatment for other diseases covered by health plans is not only the smart medical approach, it is also cost effective. It is not only the right thing to do, it is also the cost effective thing to do.

We have all the empirical data in the world, including the actuarial studies, to prove that parity for chemical dependency treatment will not raise premiums, will not raise health insurance premiums by more than one-half of 1 percent in the worst case scenario.

So for the price of a cup of coffee per month increasing the premiums, we can treat millions and millions of Americans who are suffering from addiction. This does not include the billions of dollars of cost savings that were a result from the treatment parity. It is well documented that, for every dollar we spend in treatment, we save $7 in the cost of prison construction, social welfare costs, health care costs, cost of lost productivity through job absenteeism, injuries, sub-par work performance and so forth.

Other studies have shown health care costs alone are 100 percent higher for untreated alcoholics and addicts compared to those who receive treatment. Health care costs are 100 percent higher for those who go untreated. Last year alone, Mr. Speaker, the cost of addiction in the United States totaled $140 billion.

The recent Bill Moyers television documentation pointed out, and medical experts and treatment professionals agree, that providing access to treatment is the only way to combat addiction in America. We can build all the fences on our borders, surround our country with fences, hire thousands more border guards, but simply dealing with the supply side is not going to make a dent in the drug problem. It is not going to solve the drug problem. We have got to emphasize the treatment component and include it in our strategy.

Believe me, as a recovering alcoholic myself, I know firsthand the value of treatment. As someone who stays close to other recovering people and to other alcoholics and addicts, I am absolutely alarmed by the dwindling access to treatment for people who need it.

That is why H.R. 2409 the Substance Abuse Treatment Parity Act, which I have authored with 92 cosponsors from all political persuasions, on both sides of the aisle from the far right to the far left, 92 cosponsors, must be included in the drug-free America legislative package for that package to have any credibility in the real world.

This legislation would provide access to treatment by prohibiting discrimination against alcoholics and addicts. If we agree that addiction is a disease, then we should treat it like every other disease and not let insurance companies discriminate against treatment.

This is not a mandate. I have heard that argument by some of the opponents of this legislation. This is not a mandate. All we are saying is that, if you and your plan are covered for chemical dependency treatment, you should not be limited to 2 to 7 days, which most companies are doing. Because every chemical dependency program in the world knows you cannot get effective treatment in 2 to 7 days. So this is not another mandate.

In addition, the legislation that I have sponsored waives the parity requirement if premiums increase by more than 1 percent. It is off. Also, small businesses with fewer than 50 employees would be exempt in the first place.

Mr. Speaker, if we fail to address the underlying addiction problem in America, the violent crime problem is going to continue to worsen, and this drug-free America goal will continue to be illusory and unattainable.

It might make good politics to some to talk about building more prevention and more border patrol, but it is not working. It is not working. We have got to deal with the fact that there are 26 million addicts in this country who are going untreated, and we have got to address treatment. That component must be in a meaningful and realistic package.

As cochair of the House Law Enforcement Caucus, Mr. Speaker, I know, as any cop in America knows, that 85 percent of all crimes are tied directly or indirectly to drug or alcohol addiction. A recent Columbia University study shows that 80 percent of the 1.4 million prisoners in jails and prisons are there because of drug and alcohol addiction. So not to deal with underlying problem means we are never going to deal effectively with the crime problem.

In conclusion, Mr. Speaker, I respectfully urge the Committee on Rules to include the Substance Abuse Treatment Parity Act in the antidrug legislative package. This, Mr. Speaker, is a life or death issue for 26 million Americans.

HONORING JOAN ALBI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. BOB SCHAFFER) is recognized for 5 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it is my great honor to recognize the distributions and dedicated service of Joan M. Albi, Secretary of the Senate, the Colorado State Senate. After serving 32 years in State government, Joan has done it all. She worked in the State House of Representatives and the State Senate, the lieutenant governor's office, and the governor's office.

□ 1830

Joan worked for the State Senate in several capacities for 23 years, serving as the Secretary of the Senate for 10 of those years before retiring in the spring of 1998.

A Colorado native and a lifelong resident, she was born in Denver. Joan attended Cathedral High School in Denver before continuing her education at Loretto Heights College in Denver. Her father, Jim Bastien, worked as a purchasing agent for a local paint company. Her mother, Winnifred, still lives in Denver. She has one sister, Carol Dinapoli, also of Denver. She has three children: Kathy Albi-Ferguson of Aurora, Joe Albi, Jr., of Highlands Ranch, and James "J.T." Albi of Bakersfield, California. She is also the proud grandmother of two.

Mr. Speaker, without question, Joan is devoted to home and family. She actively participated in the Women's Auxiliary Circlo Italiano. Her main hobby is politics. The campaigns she worked on over the years were countless. Colorado's Republican Party truly benefited from her tireless efforts and will be forever indebted to her. Joan's loyalty and contributions to the party are evident.

She worked in the Colorado House of Representatives steno pool from 1966 to 1970 as an assignable stenographer, before taking a position in 1971 with the lieutenant governor's office. In those days, the lieutenant governor was also the President of the Colorado State Senate and Joan was secretary of the senate president from 1971 to 1974. In

her capacity as secretary, she was also a receptionist, payroll clerk, and she did the bookkeeping.

When Colorado Governor John Love resigned to become the first "energy czar" in Washington, D.C., Joan became the administrative secretary for the new governor, John Vanderhoof. She remained in that position until he finished what was left of Love's term. Joan then worked as assistant secretary of the Senate from 1974 to 1987, before becoming Secretary of the Senate in 1988.

The contributions Joan made to the Senate during her tenure are remarkable. Joan serves on the Capitol Advisory Committee which meets regularly to address the preservation of the Colorado State Capitol building, one of the most remarkable buildings of its kind in the Nation. She was also active in the American Society of Legislative Clerks and Secretaries, a group sponsored by the National Conference of State Legislatures.

In addition, she helped pave the way to bring the Colorado State legislature into the age of technology. Joan took part in the earliest meetings that began the computerization of the legislative process in Colorado.

Mr. Speaker, Joan earned the respect of both legislative staffers and legislators. In fact, Patricia Dicks, Colorado's current Assistant Secretary of the Senate, said, "Joanie and I worked together, and have been friends for 20 years. Joanie was a very good teacher who was very kind and patient, but always made sure that staff was updated and knowledgeable. When Joanie was injured during the session, the transition was seamless to the point that we never missed a beat. This is a tribute to her as a person and as a leader."

Legislators who served with her while she was Secretary hold her in the highest regard. Senate President Tom Norton of Greeley, Colorado, remarked, "During the 6 years I served as Senate President, Joanie did an outstanding job of maintaining the efficiency and decorum of senate operations."

State Senator Ray Powers of Colorado Springs added, "Joan always welcomes us in the morning with a friendly smile and good conversation. Her pleasant demeanor and strong work ethic were two of her strongest assets, and my colleagues and I always appreciated her."

Joan's daughter, Kathy, said it best, "Mom loves to help people. She has a big, kind heart and generous personality."

The Colorado State Legislature expressed its sincerest appreciation to Joan Albi's dedication and dedicated service by passing a tribute in her honor in the 1998 legislative session. A retirement party will be held in her honor at the governor's mansion in Denver on September 15, 1998, which is tomorrow.

I first became acquainted with Joan in 1986 when I was working as a Senate majority administrative assistant in Denver. Then when I became a Colorado State Senator from 1987 to 1996, I had the privilege of continuing my working relationship with Joan. Working with her for over 10 years, I can attest to her generous and pleasant demeanor and administrative abilities as Secretary of the Senate.

Mr. Speaker, Joan's presence at the State House of Colorado will be clearly missed by all. The friends she made over the years in State government wish her well and the best in her retirement. We all say, "Thank you Joan."

CAMPAIGN FINANCE INVESTIGATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. SOUDER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SOUDER. Mr. Speaker, let me first say at the beginning of my remarks tonight that one of the questions that I received all weekend, and that many others are, is do you guys do anything out there other than talk about certain pending matters that have been widely discussed this past weekend? And the answer is of course we do.

We have not had the first hearing on the specifics of what everybody in this country seems to be talking about. At the same time, I agree with what the gentleman from California (Mr. LANTOS) said earlier that it is important that we focus on numerous issues. Earlier today, I was down here discussing the Head Start debate and the Community Services block grant debate, and quite frankly, I got no media inquiries about revising the entire Head Start system in the United States. I got no media inquiries about revising the Community Services block grant and what innovative programs we are doing, since we do not believe the solution is always the Federal Government, what innovative solutions we are trying at the community level to develop. Quite frankly, I got no questions about it back home in Indiana this past weekend.

Mr. Speaker, it is not that Congress is not doing other things here. It is that few people are asking us about anything but this subject. When I tried to go to pick up a newspaper at the airport when I was flying back last night, every newspaper in Pittsburgh was cleaned out. Every newspaper in Washington was cleaned out. And they probably were not hunting for the latest stock market reports.

But it is important that while we focus on the many matters, and we daily have multiple committee hearings, multiple meetings with people from our districts and many things, that we also look when we feel there have been problems in the oversight of this country, that it is important that this Congress look at it.

One of the things that I wanted to take some time to discuss tonight is that it is a lot more at stake here than just what everybody has been talking about this past weekend. Tonight I am going to go through some of this.

I sit on the Committee on Government Reform and Oversight, chaired by the gentleman from Indiana (Chairman BURTON), and I have listened to much of what has gone on. I want to make a couple of critical points tonight. And I want to illustrate right off the bat that there is a huge number of people that have made this investigation in campaign finance, in many of the other things that we have looked at in our committee, difficult to achieve.

Mr. Speaker, 116 people have refused to cooperate with our committee at this point; 79 witnesses have taken the Fifth Amendment; 18 have fled the country; and, 19 have refused to be interviewed by investigators.

I am going to go through some of these charts in a minute, but I want to illustrate a point. We can see on this chart that there are what, about 10 names per chart roughly. In trying to keep with the rules of the decorum of the House, it was deemed, and I believe correctly deemed, that it would not be appropriate for me to show the massive scale of the extent of the lack of cooperation we are getting by extending these across the front of this. But I am going to take a second here and show, if I was able to put these charts up simultaneously to give an idea of the scale how far these charts would have gone.

In other words if we had put every name up, they would have covered the entire front of this Congress. They would have covered up this entire front. If I stacked them on top of each other, the numbers of people that have refused to cooperate with this investigation would go to the top of the ceiling.

It is not one person, five people, 10 people, 20 people, 30 people. A few weeks ago I was in a parade in the town of Saint Jo in my district for the pickle festival. The pickle company that is based there has an annual pickle festival. The number of people in this cover-up are approximately the number of people in the town of Saint Jo.

I graduated in a high school class of 68. The class before me had a little bit smaller size than that. In other words, the number of people refusing to cooperate are about the size of my high school class and the class behind it. If one was trying to find out something that we had done and everybody in the class and the class behind would not cooperate, how would they find out what is going on?

Or to take another example, years ago there was a "Twilight Zone" episode in 1961 where adults lived in total fear of the immaturity of a normal little boy. Just by using his mind, this boy was able to take away the automobiles, the electricity, the machines because they displeased him and he moved an entire community back in the Dark Ages just by using his mind. And we note that the people in Peaksville, Ohio, have to smile, they have to think happy thoughts and say happy things, because once displeased, the monster can wish them into a corn field or change them into a grotesque walking horror. This particular monster can read minds, he knows every thought and feels every emotion. He is 6 years old with a cute, little-boy face and blue guileless eyes. But when those eyes look at someone, they must start thinking happy thoughts because the mind behind them is absolutely in charge. This is the "Twilight Zone."

Mr. Speaker, what do we do in a government situation, and we have all seen movies like this on TV, whether it is the "Twilight Zone" or others, when a whole town will not talk? People say, "Boy, it is hard for you guys to prove anything." It sure is hard for us to prove anything.

Mr. Speaker, I am going to go through. Understand that 79 people have said, "I invoke my rights under the Fifth Amendment and I refuse to testify on the grounds that it may incriminate me." Incriminate means I could go to jail. Mr. Speaker, 79 people have said they could go to jail. The others have fled the country or refused to have subpoenas put on them.

If we go through the names, the first name we have no public information on him. Terri Bradley, a secretary fined for making political donations for her employer, a Miami Beach developer. The next name we do not have much information. We are trying to get some from them. The fourth one is the son of the Commerce Secretary, Ron Brown.

Chen is a Taiwanese journalist who has written about illegal donations from Taiwanese nationals. Simon Chen is the former owner of the International Daily News, a Chinese language daily newspaper. Wang is a Buddhist nun. I am just going to skip through some of these. Chung pled guilty. Colon is a former head of the Commerce Department's Minority Business Development Agency. He was hired by Dynamic Energy in August 1994. He received a $3,000 check from Dynamic September 19, and four days later he and his wife, Cheryl, gave $3,000 for reelection of a given member of the other body, which has been returned.

Then we come to Crespo, Delvalle, we have numerous down to Manlin Foung, who testified that Trie reimbursed her from his bank account in China for part of her $35,000 donation. Gandhi, which I will go more through, gave $325,000.

Then go to the next chart, another 10 names that included Norlanda Hill, a former business partner of Ron Brown. Hill has been indicted in separate fraud charges. She alleges Brown told her domestic companies were being solicited for campaign contributions in exchange for being included in trade missions abroad.

Maria Hsia, is a naturalized citizen and close associate of John Huang. She faces charges that she helped launder campaign contributions from the famous Buddhist temple incident. The next group of names are predominantly people who were Buddhist nuns who gave a $1,000. Then there is Jane Huang, John Huang's wife, who according to DC records raised $52,000 while her husband was still a Commerce employee. She has denied she raised it, contradicting the Democratic Committee records.

John Huang is a China-born U.S. citizen raised in Taiwan, former executive of the Lippo Group, about which I will discuss more later. Webster Hubbell who, after he left prison, received $700,000 in consulting fees from several companies after he left the Justice Department, excuse me.

Several more we are pursuing, but we do not have public information at this time. If we can go to the next chart, the important thing to understand here is the scale. This is not one person, two people, five people, 10 people. It is the scale. And I am not comparing this exactly to that, but I have worked so much with the drug issue, it is as if we were just busting the street guys and not looking at the pattern. And by not being able to get to the first level of saying, "What do you about the next level?" Being able to offer immunity, being able to work with these. We do not know the extent of what sort of cover-up that we are facing.

□ 1845

Intriago is a former Federal prosecutor and he has solicited donations. You have Jimenez, a Miami computer entrepreneur and donor who made his largest contribution, 50,000, to the DNC after a coffee at the White House.

We have Kronenberg is sister-in-law of Pauline Kanchanalak, donated $500,000 to the DNC on the day of a White House coffee, down to Lin. If we can go to the next chart, Nora and Gene Lum are owners of an Oklahoma gas pipeline company, Dynamic Energy Resources, which last year pled guilty to laundering $50,000 illegal donations to campaign contributions. Maria Mapili is a long-time employee of Trie's trading corporation. The indictment towards Trie claims he ordered her to destroy subpoenaed documents and she is in that. Mark Middleton, former democratic fund-raiser and White House aid who left the administration in 1995 to pursue business dials with Asian businessmen.

I am not going to go through each of the names here. I kind of hitting some of the highlights. Many of these are tied in clusters around Charlie Trie, whose name you see there, an American citizen and one of two suspects, Antonio Pan is the other, to be indicted in 1997 as a result of the Justice Department's task force. And like I say, we will talk about him more. If you go can to the last chart that we, once again, have individuals who are related to other individuals, people who work for fax machine businesses, straw donors, Buddhist nuns.

There is two additional charts, if you want to just put those up. Are there any additional? We have them all covered?

I am not going to go through all the names on each of these, but maybe you can take them off slowly and show them. Once again, as we go through this, I want to reiterate, "I invoke my rights under the fifth amendment to refuse to reply on the grounds that it may incriminate me."

That means that they believe they have information that could send them to jail. And what you would normally do is go and get a proffer and say, and what do you have and who approached you about what you fear going to jail about, and see if it is worthwhile to offer immunity to them. And then hopefully you move up and say, and who offered you what in order to get to this person? Our goal here, if you look at this list, it is extraordinary. By putting out this list, we are not trying to make any kind of statement because many of them are Asians. The question is, who abused the Asian population. Who told them that they had to give illegal donations, had to launder money through Buddhist temples in order to get decisions made in this country?

It is not a criticism of the Asian community. It is a criticism of the people who used the Asian community.

It is not a criticism of the Hispanics on this list. It is, who told them American democracy works this way. Who told them that laundering money in return for whatever, and it is not clear what exactly was given, is justified? That is what incriminate means.

Chairman BURTON asked a question of FBI Director Freeh, Mr. Freeh, over 65 people at that time, it is now 79, have invoked the fifth amendment or fled the country in the course of this committee's investigation. Have you ever experienced so many unavailable witnesses in any manner in which you have prosecuted on which you have been involved?

Actually, I have, Director Freeh said.

Chairman BURTON: You have? Give me a run-down on that.

Director FREEH: I spent about 16 years doing organized crime cases in New York City, and many people were frequently unavailable.

Chairman BURTON: Was that the only time you have experienced something like that?

Director FREEH: It went on for quite awhile.

Chairman BURTON: So the only time that you have experienced anything like this is when you were investigating an organized crime syndicate?

What kind of commentary is this on our government? We have been talking about a lot of other things this past weekend. But think about this for a minute. Think about this in the context of other things you are hearing.

It started in the case of our Committee on Government Reform and Oversight, a travel office dispute. We noted that they cleared out a bunch of people who, in fact, did not appear to have, they had actually gotten reinstated and back pay for being unfairly fired. We saw patterns of internal favoritism towards certain individuals, towards friends getting government contracts.

We thought, why would you want, oh, it was for prestige, but it actually was not, it was for lots of dollars in different agencies. From there we move in past the travel office to, we get this massive thing, when we are trying, a couple of people were wandering around the White House without clearance. How did they get in? So you start to look at the clearance list. We get these massive lists. I still remember the day looking at these lists and seeing all these little letters by everybody and going, what in the world is this. How are we supposed to sort out what is going on here? How did these people get in? There were dead people on it, former Senator John Tower. They were certainly skewed toward Republicans, but there were all kinds of codes. This developed into the so-called FBI question, and the files. How did they get these files? These files were not like when you get a traffic ticket. These were for when you apply for government employment, they do a background check. If you want a security clearance to get in, they do a background check on you. If you are going to handle government secrets, they do a background check on you. A background check means also there is information in your files that may not be confirmed. Did anybody have a rumor about you? You cannot see it. But it is in your file.

We found out in our hearings interns were, I do not mean anything like that, I just mean interns were handling the files, which is inconceivable. We heard from the Reagan and Bush White Houses that they had high level people only handling these files, but in the Clinton White House apparently interns were able to do a lot of things. And then we got into the Craig Livingstone who probably would not have passed that, yet he was now in charge of White House security and they could not remember who hired him.

I asked him three different times who hired him and he could not remember. Finally one of the White House people said, maybe it was Vince Foster. I mean, blame it on the dead guy. That seemed to be the strategy.

We could not get any answers to fundamental questions. Then we go through and look at the FBI files and we find out what these codes are. These codes are for coffees, for Lincoln bedroom. We found out that this database has to do with how much money you give to this administration, that it looks like somebody made the decision somewhere in this administration, we do not know at what level or who, that it was going, the White House was going to be turned into a cash cow, that apparently it was for sale in order to maintain your power, much like the travel office was. Apparently, who knows what they were going to do with the different files and who knows what is being done with those files now.

Then we move in and started to go into the Indian gaming casinos where a local decision relating to a poor Indian tribe was overturned, and we see massive, hundreds of thousands of dollars moving into the Democratic National Committee after a decision was reversed at the local level, protecting a tribe that was getting at least $390,000 per Indian and protecting their basic monopoly in that region.

In addition to that, the chief of staff in the counsel to the Secretary of Interior then left the Secretary of Interior's office and went to work for the Indian tribe that is getting $395,000 per Indian. Not anything proven yet, but do you know what, it is starting to smell a little bit.

Then you start to go through, what are these land deals where all of sudden there is the Escalante wilderness area, and who was the developer that had a stake in that? Oh, yes, it was the Riadys, the same Riadys that are on this list all over the place. The same Riadys that are laundering money through Huang and Chung and Trie, the same Riadys whose employees are not willing to talk and discuss.

Once again, it has not been proven the links, but we have been nibbling at the little people along the way. How is this going to build and where is this headed and why are not, and why is not this administration pursuing this to a higher level?

Let us get into some of the particulars of this. One thing that often we do not make clear when we discuss this, I want to make sure I make this point, that what would these people want? Presumably they are not just giving money, particularly if they are not even American citizens, because they are really charmed by any of the particular candidates involved. There is something beyond that they are trying to influence, somewhere in our government.

Now, I suggested that possibly there were decisions in the Department of Interior. But do you know there are many things in there that need to be explored, and we need access and we need cooperation to be able to do that. For example, we know that this, the leaders of this government criticized the past President for favoring trade to China during the campaign. It happens to be that the individuals who we are trying to get testimony from disagreed with the challenger's at that time positions. And when he became President, he switched his position to China which agrees now with the people who put this money in.

There are many American businesses and probably a majority of this Congress that favor that position. But it nevertheless was a reversal, and it also happens to be at least circumstantial that these people won a decision in that. This leadership of this government did not have a position on Vietnam. A number of these major donors had concerns, nonAmerican citizens had concerns about our China policy and our Vietnam policy. And those decisions were changed. It is clear that one of the fund-raisers where a million dollars was raised, that the commissioner of the INS attended and that there had been a request to change some immigration status. And after the fund-raiser that status was changed where after she had attended a fund-raiser raising this money, it is clear that decisions were being made and changed like what the individuals wanted. What is not clear yet, and which we really do not have the power here without some people being willing to talk along this chain and be able to negotiate with people moving up the chain of who influenced what where.

We see the people in the national security office writing handwritten memos, quite frankly, I have never gotten a handwritten memo from them explaining why, when they, on Taiwan, when Charlie Trie and his allies said we do not want you putting so much pressure on the Chinese government vis-a-vis Taiwan, they got a handwritten response back. Not too many people get handwritten responses back. It helps if you have laundered a lot of money back.

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

Mr. SOUDER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I commend the gentleman for the special order that he is taking out. There are two things that really affect our country, one is economic espionage, another is national security breaches. You are speaking to those areas. It is so terribly, terribly important that the American people understand this. I commend the gentleman. I salute him for what he is doing here today.

Mr. SOUDER. Mr. Speaker, let me, once again, I want to reiterate, what I have been discussing tonight is not

what the rest of the country has been discussing this past weekend for the most part. What I have been discussing is what has the earmarks at some level of an incredibly massive cover-up, 116 people who have either taken the fifth amendment that say if they talk to our congressional committee, they could incriminate themselves, or they fled the country or one way or another avoided us being able to subpoena them. That is a grave situation.

As the FBI Director said, only in organized mob cases has he seen this. It has made it very difficult for us to go ahead with this investigation. And understand we also have, in addition to this, a separate investigation that the gentleman from California (Mr. COX) is pursuing on the China question and the sale of technology. We have a separate investigation going ahead with the gentleman from Michigan (Mr. HOEKSTRA) looking at Teamsters money and how that got tied up in massive corruption and attempting to influence elections with illegal dollars, not to mention special prosecutors on Harold Ickes, pending on campaign finance, looking at the Vice President of the United States. We have many ongoing investigations.

□ 1900

What everybody in this country has been talking about is just a small part. It is inconceivable we are going to resolve this in the next 30 days because this is a massive problem inside this administration. It is unknown at this point to what levels it goes, but, boy, is it huge.

Mr. Speaker, I yield, if he would like to speak, to the chairman of the Committee on Government Reform and Oversight, the gentleman from Indiana (Mr. DAN BURTON).

Mr. BURTON of Indiana. Let me say to my colleague, the gentleman from Indiana (Mr. SOUDER), that he is one of the most valued members of our committee and he works his tail off, and I hope everybody knows that.

I really appreciate his taking this special order tonight, and I apologize for being an interloper, but the gentleman makes such important points that I think they need to be reinforced, and that is that there have been 116 people flee the country or take the fifth amendment. And people do not do that unless they are trying to hide from the truth.

The thing that bothers me is that many people in this country, and I think the gentleman has alluded to this, many people in the country are saying, why are these investigations going on so long? Why is the Congress spending all this money? Well, the reason is that the White House has blocked us every way they can from getting information.

Many of the people that the gentleman has mentioned here tonight used to work for the White House, were close associates of the President of the United States, and they have taken the fifth amendment against self-incrimination. And it looks like, to many people, that this is an orchestrated effort by the White House to keep facts from getting to the American people. And they feel like if they can run out the clock, and they did it on Senator THOMPSON, if they can run out the clock to the end of this session, that we will all stop and the American people will never get the facts.

We have had to almost hold the President's chief counsel, Mr. Ruff, in contempt of Congress in order to get him to give us information. We have had to take the Attorney General, who has blocked us from getting information, and have the committee vote a contempt citation against her, which is still pending and that may come up before this body. And the reason is they are blocking for the President.

It is okay to investigate other people, but leave this President alone. Leave him alone. Never mind that illegal campaign contributions have come in from Egypt, from Macao, from Indonesia, from China, from Taiwan, from South America, from all over the world. And the American people have a right to know, as the gentleman so eloquently stated tonight, the American people have a right to know if our foreign policy has been for sale, if our national defense has been jeopardized, because this President and this administration was so intent on making sure that they were reelected that they were willing to jeopardize these issues, our national security and our foreign policy.

All I would like to say tonight is that the American people have a right to know. And I want to thank the gentleman very much tonight for coming down and taking this special order and illuminating this issue for the American people, because I believe once the American people get all these facts, they are going to say that no matter who it is, from the lowest person in this country to the highest office in this land, if they break the law, they need to be held accountable. And I thank the gentleman for yielding.

Mr. SOUDER. I thank the chairman for his leadership and his willingness to take the slings and arrows that go his way for trying to stand up and search for the truth.

Reiterating again that one chart we see here, if I had been allowed, which I am not under the House rules, to display these next to each other, the number of people that have pled the fifth, fled the country, or refused to cooperate would extend from that end all across the dais to that side, blocking this entire front. Or if I stacked them up, they would go up and touch the ceiling. It is not 5 or 10 or 15, it is massive. It is like, as I mentioned earlier, a whole city being in on a cooperative thing and then trying to prove something in the law when we have this type of thing.

Now, among the decisions we frequently have had to make in this body are other issues that have faced us, and there have been all kinds of statements made by Members of this body about other issues facing us, such as, "It should never be sullied," "should never be spoiled by actions of any of its Members, yet today we have a stain on the U.S. House; we have a cloud over its existence." Members in this body have said, "Too many ethical questions have been raised, wanting special counsels." They said, "American people should know where this money came from. Did these donors get anything in return? Are there any conflicts of interest?" Only they were not apparently putting these standards on the current leadership of our government. They were talking about something that was actually a relatively small case inside this body.

We look at the past rhetoric that has been used on the floor of this House about something relating to dollars that pale in insignificance. Never a charge that huge decisions, like the foreign policy of the United States, not even a charge, let alone a provable charge. They were not proven in the cases of any Members that have been discussed at this level. But apparently we can demand here that the American people should know where this money came from, did these donors get anything in return, are there any conflicts of interest. But if it is the administration, we are not going to do a special prosecutor for that. And I think that Members of this body need to sort through what kind of standards we have.

On Sunday I was with the Air Guard in Fort Wayne, who had a counterterrorism exercise on chemical and biological warfare, as units are doing all over the country, and cities, as we are concerned about terrorism. And I want to repeat what the gentleman from California (Mr. LANTOS) said earlier. Ironically, we have to stand behind our leadership of this country now more than ever. Because when there is perceived weakness, as there is in this country right now, every tin horn dictator, every terrorist around the world is saying, I wonder if this is a good time to push the United States. I wonder if this is the time I can get away with killing somebody; dropping a bomb; doing this; blowing somebody up. No, it is not, because we will stand as a United Nation. But we will not do this indefinitely, and we have to have leadership that we can count on.

But getting back to my point here, it is that we have to look at the totality of this. We have to ask, in our United States military, in the people in our

Air Guard in Fort Wayne, what standards do we have for them? Do we have a different standard for some elements of our country and another standard for the soldiers or the generals? Do we have one standard for government employees and not for other parts of the government? Do we have one standard for schoolteachers and not for other parts of people in public service?

I am not really talking about what everybody else has been talking about. I am talking about what is for sale. Have we sunk so low, are we so obsessed with power in this country that we will sell it to people who are not even American citizens and able to hold that power?

I want to digress to one other case. I am a history buff, and as we go through things like this Current Abuse of Power book on Nixon with the tapes, which is disgusting, I mean this is the kind of book we see about the current leader's administration. It is a spin cycle. We have not proven this point yet, but we are getting a lot of this point. But as we go back through history, Warren Harding went down as a bad President, even though in the end he was not found to have the faintest idea of what was going on on Teapot Dome.

And what we see in this administration and what we do not know is to what level of government this goes to. But we do know they corrupted the travel office, they misused the FBI files, they have sold favors throughout, they have special prosecutors on at least five Cabinet members; that Harold Ickes, who has a fascinating story of how he basically got excluded from policymaking, went into the fund-raising like other higher-ups like this, and then got back into the policymaking, because apparently the price to be at the table was you did the fund-raising. Which put tremendous pressure, even if it was not directly ordered, it put tremendous pressure. If an individual was not to be consulted unless they produced money, think of the pressure that put.

I want to give, I am trying to think which is the best example, and I am sure we will have other chances to bring this up, but let me give my colleagues an example of James Riady, who is probably the biggest. James Riady is an Indonesian-based banker and son of Mochtar Riady, chairman of the Lippo Group, a $5 billion Asian empire. James Riady is a permanent resident of the United States. He met President Clinton in 1977, in Arkansas, when the President was serving as that State's Attorney General. He was then sent by his father to Arkansas to learn the banking and finance business. In its report on campaign finance, the other body suggested the Riady family had a long-term relationship with the Chinese intelligence agency. James Riady is the deputy chairman of the family's main business, the Lippo Group. The Riady family, including its businesses and partners, donated more than $700,000 to the Democrats between 1991 and 1996. Mochtar Riady and his son James have told close associates that they helped get Huang his Commerce Department position, which is a foreign trade position, in return for their political support for the leader of our country. Other reports indicate that James Riady has claimed Huang was "my man in the American government." James Riady visited the White House on 19 occasions, 6 of which were to see Deputy White House Chief of Staff Mark Middleton. He lives in Indonesia and has refused to be interviewed by the committee.

Here are some questions we would like to ask him: Did you lobby the President to get John Huang his job at the Commerce Department? Did the President ask James Riady or his father to pay a $100,000 fee to Webster Hubbell while Hubbell was under investigation? Did the Lippo Group receive any classified information from John Huang while he was at the Commerce Department? What were the Riadys hoping to get in return for the hundreds of thousands of dollars they gave to the Democratic Party in the 1990s?

I could, and will at future time, go through other questions, but at this point I see the gentleman from Michigan (Mr. PETE HOEKSTRA), who is here and he has been investigating another part of what looks like, not knowing what levels, but orchestrated efforts to get around our laws in this country.

I yield to the gentleman from Michigan.

Mr. HOEKSTRA. I thank the gentleman for yielding. As we begin to talk about the things that have been going on, I think it is also important to recognize that the gentleman and I are going to be part of the first Congress that has gone about doing its business, whether it is oversight, and that is the committee that I share, an oversight subcommittee on the Committee on Education and the Workforce, but we are going to be part of an historic Congress, because for the first time in 29 years, in 15 or 16 days, we will have a surplus budget.

So as the gentleman and I have been carrying out our responsibilities of oversight of our laws, and the Congress as a whole, and I serve on the Committee on the Budget as well, has been getting a lot of other things done as well. So there are a number of things that are going on here in Washington that are different and effective and positive versus what there is sometimes seen as the ugly part of our job, which is doing the oversight.

I thank the gentleman for inviting me down here, because we have had the enviable task of spending the last 15, 16 months taking a look at the International Brotherhood of Teamsters, America's largest private sector trade union, who in 1989 signed a consent decree because of a racketeering charge that basically put them under the oversight of a Federal court and the Federal Government. They are under the supervision of the Justice Department and the courts are watching them.

Now, why is Congress involved? And I think this is where the connection can be made about oversight and the impact to the American taxpayer and the impact to the rank-and-file people in the Teamsters. Let me just lay out what happened.

In 1996, the Teamsters conducted a new election for president of the Teamsters. It is a process they go through every 5 years. They conducted their election, and 7 months later the election got overturned. The person who was elected, his election was invalidated, Mr. Carey, and it was determined there needed to be a rerun election. And it is like, okay, that is fine, the Teamsters will conduct their new election, which we are still waiting for that to happen because there was one problem: The 1996 election was paid for by the American taxpayer.

That is why in this case we are even doing more oversight than what the Labor Department normally does for union activities and other reviews of American labor law. In this case the American taxpayer paid for a Teamsters election that was invalidated because of corruption. It was somewhere in the neighborhood of $18 to $20 million of American taxpayer money. We paid for the election for the Teamsters in the U.S. and in Canada.

□ 1915

So American taxpayer dollars were used to fund the Teamsters election in Canada, $18 million to $20 million.

The gentleman was talking about the campaign fund-raising. Sometimes people say, well, there you go, making your accusations again. Where is the beef?

The gentleman's committee has had difficulty in interviewing witnesses. He has had difficulty getting access to certain information. We have had some of the same problems, but we do have some court documents and these basically are what the defendants have pled guilty to.

Three people have pled guilty to various money laundering schemes. Another person has been indicted. The number two person at the AFL-CIO is pleading the Fifth.

Now, the amazing thing to me is taking the Fifth, meaning that we know where he is, we believe that he has been implicated, but he will not come and talk to us. He will not tell us about his participation in this.

For the three people who have pled guilty, what did they do? Who was involved? We have come across some of the same players as the gentleman has

come across, and without getting into their names, this person was a 41 percent owner of a political consulting firm. This November Group performed work for, among others, the IBT, the Carey campaign, and the Democratic National Committee and its 1996 coordinated campaigns with State democratic parties. What did they do?

In general, the use of treasury funds in connection, and here we are talking about general treasury funds of the Teamsters, general treasury funds in connection with a Federal election was limited by Federal election law to nonpartisan voter education and get-out-the-vote efforts. Political spending by the IBT was supervised and directed by the IBT's director of government affairs. What did they do?

Statutory charges: Co-conspirators were not charged as defendants herein. Others known and unknown unlawfully, willfully and knowingly did combine, conspire, confederate and agree together with each other to make materially false statements and representations and to falsify, conceal and cover up, by trick, scheme and device, material facts in a matter within the jurisdiction of the executive and judicial branches of the government in violation of Title 18.

What does that mean?

Sections 1341 and 1346: To embezzle, steal, abstract and convert funds belonging to the IBT, in violation of Title 29 of the United States Code.

Basically, what happened is the leadership of this union stole money from its own rank and file.

If we go on a little further, we find out, willfully and knowingly having devised and intending to devise a scheme and an artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, namely, a scheme and an artifice to deprive members of the IBT. These people were working for the President of the IBT, and what were they going to do? A scheme and artifice to deprive members of the IBT of, A, money, B, their right to the honest services of their officers and employees and, C, their right to have the 1996 IBT election conducted in conformity with the rules. They did everything they could to break the law. And others, blank and others, caused IBT general treasury funds to be applied to promote the Carey campaign in violation of Title 29, United States Code; illegally using and diverting IBT general treasury funds, including embezzling, stealing, abstracting and converting such funds to make contributions to political organizations in order to obtain in exchange donations to the Carey campaign.

This is where the DNC gets involved, but before we move and talk a little bit about the Democratic National Committee, the terms in here are embezzling, stealing, abstracting, converting, such funds to make contributions to political organizations in order to obtain and exchange donations to the Carey campaign.

We talked about how this affected the taxpayers. We spent $20 million on a failed election. We are going to spend $4 million on a rerun. The Teamsters were very generous. They said they would contribute two. So their own leadership is, well, you know, we are beyond that, but they embezzled and stole.

What was happening to the net worth of the Teamsters as their leadership was embezzling, stealing and abstracting and converting such funds to make contributions to political organizations? The net worth of the Teamsters a few years ago was $157 million. As recently as a few months ago, within the last half year, their net worth was $700,000, still a big number but when you go from $157 million to $700,000, you wonder what these people were thinking, but now it is not that surprising.

Embezzling, stealing, abstracting and converting such funds to make contributions to political organizations in order to obtain in exchange donations to the Carey campaign. The union leadership was stealing their rank and file members' money and they were going to other organizations to find a way to scheme, to launder money through. One of those organizations they went to was the DNC.

Does the gentleman have a question?

Mr. SOUDER. Yes, I have a question. I want to see if I understand the scope of this and how this starts to interrelate.

Carey was running for the leadership of the Teamsters against Jimmy Hoffa, Jr., and he felt he needed more money to run. So if I understand what the gentleman is saying, they, Carey, the forces, depleted their own members' funds but to complete this they, in effect, gave money to a third source, or second source, which is the Democratic Party, which then in return made sure that additional dollars got back to Carey, not necessarily all that had gone out but Carey got it personally, because if he had stolen Teamsters funds for his own campaign that would have looked bad. Is the gentleman saying that, did I get that correct, that it went to a third party and then some of that came back, matching contributions came back? How did some of that work?

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

Mr. SOUDER. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, the Democratic National Committee worked, and we have kind of split the responsibilities on this, one of the things that we are going at now is this is what was alleged. We know that at certain times the Democratic National Committee went out looking for donors to make these contributions. It is unclear at this point in time whether they found them, but we do know that there were other groups that participated in this scheme very similar to what is alleged to have happened here with the Democratic National Committee where money actually did flow out.

We know with the Teamsters it did flow out, it did flow back to the Democratic National Committee. We are just now trying to figure out exactly what the quid pro quo was. Did money actually then make its way from the Democratic National Committee back into the Carey campaign? Did they find wealthy donors who, instead of writing a check to the Democratic National Committee, maybe supported the Ron Carey campaign? We do not know.

We looked at that early. We focused on what was going on within the Teamsters itself. The gentleman's committee was looking at some of that. We are going to, I believe, have a hearing on that later this month to try to get to the bottom of it. It is very, very difficult.

What we do know is that the scheme was planned, it was agreed to. We do not know, at least with the Democratic National Committee, how far it was actually completed.

Mr. SOUDER. Did not the gentleman say earlier that the Fifth Amendment, which can only be used if you could go to jail, was taken by the second ranking person, did you say, in the AFL-CIO?

Mr. HOEKSTRA. That is correct.

Mr. SOUDER. So the person who might be able to answer that larger question, when you asked, took the Fifth?

Mr. HOEKSTRA. Yes. We invited the gentleman to participate at our hearing and he indicated that if he came to the committee, he would invoke his rights under the Fifth Amendment and he would refuse to reply; going to your chart, he would refuse to reply on the grounds that it might incriminate him.

Mr. SOUDER. One of the similarities that the gentleman is starting to run into, because you have clearly proven from the statements that you have made and from the indictments, that there was corruption inside the Teamsters election; in fact, that election was overturned. Now we are trying to see where their money moved elsewhere, and the larger question that you are moving into, in addition to that, and it is bad enough, I mean, I have talked to irate truck drivers in Fort Wayne who cannot believe that their own leadership would do this, but then the larger question is, like we saw in the Interior Department, like we have seen in agency after agency, who is running what looks like a large scale, coordinated effort, to find millions of dollars for campaigns in all sorts of illegal behaviors?

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

Mr. SOUDER. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, as the gentleman is well aware, the Justice Department, Miss Reno, has now opened a 90-day investigation into testimony of certain members of the President's staff regarding their testimony to the Senate committee, in regards to specific testimony on their involvement in perhaps supporting Teamster efforts through actions in the executive branch, which is frightening.

It is one thing to run this through a political organization. It is another now to perhaps bring in executive branch agencies as part of this quid pro quo, if you give us money perhaps we can help you over here.

The Attorney General has begun a 90-day investigation into those questions, and we are pursuing those as well.

As good as they got at laundering money, because they were good, because almost all of this stuff was not found out until after the Teamsters election, which means we had to throw out the whole election.

Mr. SOUDER. The one we paid for?

Mr. HOEKSTRA. The one we paid for, the one where the regime, members of the group that were part of the ticket that won the election are still running the Teamsters. Think about it. They were part of the fraudulently elected leadership. They are still running the Teamsters.

I have met with my rank and file Teamsters at the local level. They cannot believe it. They want the same thing we want. They want a fairly elected leadership representing them, because they know what happened under the last leadership.

As good as they got at laundering money, they did get caught. The other thing that they have even gotten better at is making sure that we do not get all of the information that we need. There were documents that were at one law firm and we requested them, and they are at another law firm. It is kind of like one of these things, you have to ask the question exactly right, because if you have anything a little bit out of order, you are never going to find it and you are never going to get it.

They are masters at hiding information, at slowing down the process and trying to turn the tables. Whether it is what is going on in the executive branch, whether it is what is going on at the Democratic National Committee, or whether it is still going on at the Teamsters, they have made it very difficult for almost anybody to get at this quickly and effectively.

Mr. SOUDER. Reclaiming my time, this is a classic example of, oh, what a tangled web we weave when we attempt to deceive.

What we are seeing and hearing from the gentleman, as chairman of the Subcommittee on Oversight and Investigations looking into the Teamsters, what we heard from the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform and Oversight, unfortunately for the American people it is doubtful that we are suddenly going to come to some conclusion and close down everything.

What we see, not knowing at what levels it is going on in this government but what we have seen in agency after agency, investigation after investigation, are people stonewalling information, pleading the Fifth, running out of the country, giving us partial truths, fighting for every little bit of information we can, and it looks like there was an orchestrated effort throughout this entire administration in every agency, uncertain at what levels and by who orchestrated it, for cash, in order to maintain power.

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

Mr. SOUDER. I yield to the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Speaker, Martin Davis, one of the three people who pled guilty, barred from work with the Teamsters and fined $204,000; Jere Nash, barred from work with the Teamsters, fined $10,000; Michael Ensara barred from working with the Teamsters and fined $126,000. Now it gets to be kind of interesting.

We talked about the Democratic National Committee. Citizen Action, their national office, implicated in the swap scheme. Who is Citizen Action? Citizen Action is a lobbying political advocacy group here in Washington.

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And what do they advocate? Clean and fair elections. Clearly implicated through this whole process. Barred from working on Teamsters elections. But they are part of this swap scheme. You can sit there and say, they are in Washington and they are campaigning. It is kind of interesting what happened. Like many of these organizations, they have a national headquarters and they have State chapters. They are all trying to advocate for the same thing, which is clean and fair elections, at least with Citizen Action. That was one of their key messages. Washington sold them out. Washington was clearly implicated. Washington Citizen Action was clearly implicated in this. So what you see again is the Washington organization is corrupt, illegal activities, and they basically sold all of their locals, the grassroots kind of people, they sold them down the river. It is the same thing that happened with the Teamsters, the rank and file members. They are our neighbors. Their kids go to school with our kids. We go to church with them. We play tennis with them. We see them on the streets. We see them in the grocery store. These are our neighbors. What happens? They got sold out by their Washington leadership. Their Washington leadership stole from their own treasury. It is just too frequent of a story. You and I have seen it way too often in the last three, four, five years of good organizations, healthy organizations at the local level, the Teamsters advocating for worker rights and better wages and better working conditions and trying to do the right thing at the local level, in most cases doing the right thing. Their leadership in Washington tarnishing each and every Teamster around the country. At the same time that they are robbing them out of their pocketbook. It is unbelievable what happens to some of these national organizations. What I hope is that as soon as possible they can have a fairly run election, they can have new leadership and they can move forward and hopefully they can get out from under this yoke of government supervision and they can have their union back. Just like I hope Citizen Action, their Washington office is kind of shut down but the people who have worked hard for campaign finance reform and clean politics and all these types of things at the local level, they can reclaim their national headquarters and get some good people in there who do not participate in these kinds of activities.

Mr. SOUDER. I think that as the gentleman from Michigan and I both would state unequivocally, one of the problems is that we have too much power in Washington because when you have that much power there is going to be a temptation to cheat. But even given that, what we have seen in his investigation, what we have seen in this investigation is not everybody does this. I hear all the time, "Well, everybody in Washington is corrupt." They are not. There are too many decisions made that are influenced by money in this town. There are too many decisions made out of fear for the next political election. What we are seeing gradually unfold over the last few years is something that in scale we have never seen before. We have not seen the amount of illegal foreign dollars moving in, apparently tied to specific decisions. We have not seen the massive scale laundering going from multiple countries even in. We have not seen this many Cabinet members. I mean even under Harding we were talking three. Going with special prosecutors, and even leading up into higher and higher levels of this administration. We do not know where it ends. We are not likely to find out very soon. But we have an obligation in this Congress. While we are doing the other things as the gentleman from Michigan (Mr. HOEKSTRA) said in the Committee on Education and the Workforce, we have been moving many bills through, having conference committees, we have balanced the budget, we are working on tax relief, this is not the primary thing

we do here but it is one important part. That is, to make sure that each American citizen when you cast a vote have that vote honored and that your leadership does not have a secondary agenda, especially, and this is what the Founding Fathers were very concerned about, that any of the leadership would get illegal foreign money, where foreign nationals or through agents in this country would attempt to influence decisions of the United States Government. That is the weighty matters that we have been pursuing. I hope it does not lead all the way to the top. But to find out, witnesses need to cooperate with the gentleman from Michigan (Mr. HOEKSTRA). They need to be cooperative with the gentleman from Indiana (Mr. BURTON). We cannot have 116 people, by the way we have three more since we have printed these things, that would stretch clear across the front of this, this size sheet if I had been allowed under House rules to put them across, would have covered the entire front of this podium, or clear to the ceiling. We have to have honesty. We have to have American citizens willing to come forth with the truth.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4006, LETHAL DRUG ABUSE PREVENTION ACT OF 1998

Mr. SOLOMON (during special order of the gentleman from Indiana (Mr. SOUDER), from the Committee on Rules, submitted a privileged report (Rept. No. 105–712) on the resolution (H. Res. 535) providing for consideration of the bill (H.R. 4006) to clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide, or euthanasia, of any individual, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT ON AMENDMENTS TO FOREIGN OPERATIONS APPROPRIATIONS ACT, 1999

(Mr. SOLOMON, during the special order of the gentleman from Indiana (Mr. SOUDER), asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I rise to inform the House of the Committee on Rules's plan in regard to the Foreign Operations Appropriations bill for fiscal year 1999.

The Committee on Rules is likely to meet on Wednesday, September 16, to grant a rule on the Foreign Operations Appropriations bill for 1999. The bill was ordered reported by the Committee on Appropriations on September 10 and will be filed on Tuesday, September 15, tomorrow.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the Congressional RECORD. In this case, amendments to be preprinted would need to be signed by the Member and submitted to the Speaker's table. Amendments should be drafted to the text of the bill as reported by the Committee on Appropriations.

Mr. Speaker, Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House. It is not necessary to submit amendments to the Committee on Rules or to testify before our committee as long as the amendments comply with House rules.

MANAGED CARE REFORM

The SPEAKER pro tempore (Mr. BRADY). Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, let me say this evening that I will be talking about HMO reform and the need to address that issue before this House adjourns in about four weeks, or at least is tentatively scheduled to adjourn after the first week in October. I am concerned that over the next four weeks that time will not be spent on the issues that the American people want addressed in this Congress, health care reform, HMO reform, education concerns, Social Security, environmental issues. There are so many issues that need to be addressed, and I am only going to talk about one of them tonight but I wanted to mention that the Democrats as a party are united behind a strong and a bold agenda which addresses the real challenges that face working families. I am very concerned that the Republican leadership is not going to address these issues. We need to strike out and say that these issues need to be addressed before we adjourn.

The one that I would like to talk about tonight and that I think really is the most important because this is the one that I hear the most about from my constituents is HMO or managed care reform. Too many of my constituents at town hall meetings or at my district offices tell me about the horror stories, and there are many, where they have been denied necessary care because their HMO, their insurance company, has refused to pay for it. The President and the Democrats have put forward a bill, we call it the Patients' Bill of Rights, that is a real, not a fig leaf political bill designed to cover the health insurance industry. We need patient protection legislation that returns medical care to doctors and patients instead of leaving those decisions to health insurance company bureaucrats.

Let me just mention a few key elements of this Democrat real patient protection act, or HMO reform. It includes guaranteed access to needed health care specialists, access to emergency room services, continuity of care protections, access to timely internal and external appeals process if you have been denied care by your HMO or by your insurance company; limits on financial incentives to doctors. We know that too often now the HMOs give the doctors financial incentives, bonuses, if you will, if they do not spend a lot of money or require a lot of services for their patients. Also assuring doctors and patients that they can openly discuss treatment options. Many people do not know that many HMOs now put their physicians within their HMO network under a gag rule that they cannot talk about legitimate medical options, operations or other procedures if the HMO will not cover it because they do not want the patients to know that those procedures exist because they are not going to pay for them. We should not allow those kind of gag rules. They should be prohibited. The Democrats' Patients' Bill of Rights would prohibit those kinds of gag rules. Also, the Democratic bill, the Patients' Bill of Rights, assures that women have direct access to an OB-GYN; and there is also an enforcement mechanism that ensures recourse for patients who were maimed or die because of health plan actions. So not only do we allow you to go through a procedure, an appeal externally before a board, before you have to go to court where the insurance company cannot influence that appeal, but also we allow you to go to court and sue for damages if you have suffered severe damages as a result of the denial of care.

I just want to talk a little bit more if I can about the positive aspects of the Democrats' Patients' Bill of Rights and why we need to get this legislation, or something like it, passed before we adjourn this Congress in another four weeks. Greater choice of doctors. A lot of my constituents point out that they feel there should be some sort of option that you can go outside the HMO network if you want to, even if you have to pay a little extra. What the Democratic Patients' Bill of Rights says is it requires that individuals enrolled in HMOs be offered a greater choice of doctors under what is called point of service. Employers must provide employees with the option of choosing a doctor outside the company health plan. What that means is that when your employer offers you a health plan, he can give you the choice of an HMO but he also has to give you the option of having the HMO and letting you go outside the HMO network for a little extra if you decide to do so. You get that option when you first sign up for your health insurance. Most important, in the Patients' Bill of Rights,

the Democratic bill, medical decisions are made by doctors and patients based on medical necessity, not by insurance company bureaucrats. The bill ensures that treatment decisions, in other words, what you need, what is medically necessary for your care, those treatment decisions such as how long a patient should stay in the hospital after surgery, what type of procedures are appropriate, that these decisions are made by the doctor in consultation with the patients. They are not made by the insurance company. Again, we have an example of that which we did last year, or in the previous Congress with regard to pregnant women, that the length of stay provision for pregnant women, when they go to have the child, that they are guaranteed that they can at least stay in the hospital 48 hours for a normal delivery or four days for a C-section. That is exactly the type of guarantee that we will be including in this Democratic bill when we say that the doctor and the patient decide what is medically necessary rather than the insurance company.

Access to specialists. I want to spend a little more time on that because it is so important to so many of my constituents. Our bill allows patients to see an outside specialist at no additional cost whenever the specialist in their plan cannot meet their needs. So if there is a specialist in the HMO network who can take care of you, fine, but if there is not because they do not have that particular specialization, then they have to allow you to go outside the network to see another doctor. The bill also lets women select obstetricians and gynecologists, as I have said, as their primary care provider.

Enforcing patient protections. I think everybody knows, most Americans realize that if you have a right or you have a protection, it does not do you much good unless you can enforce it. What our bill does is it holds managed care plans accountable when their decisions to withhold or limit care injure patients. Unfortunately in court cases around the country, HMOs have not been held accountable. Currently patients may not have the right to sue their HMO in court if they are in certain circumstances. The Democrats' Patients' Bill of Rights removes the exemption under current Federal law that prevents HMOs from being sued in certain circumstances. It also establishes an independent system for processing complaints and appealing adverse decisions with expedited procedures for life-threatening situations. What this means is that if you have been denied a particular operation, not only do you get an external review board which is not influenced by the insurance company that you can go to to appeal the insurance company's decision and it would be enforceable, but also if it is life-threatening, that has to be done very quickly. Otherwise it is not very useful to you. What this guarantees is that decisions on care are based on medical appropriateness or necessity, if you will, not cost, because obviously what the HMOs do in many cases is make their decisions based on cost.

What I wanted to talk about a little more tonight, I have given you some idea I think about what the Democrats are trying to do with our Patients' Bill of Rights but I also have to point out tonight that the Republican alternative which passed the House in August before the August recess not only does not provide the types of guarantees that I am talking about but actually takes us back. It creates an even worse situation, even less guarantees in my opinion for the American people. The House hastily, and I say hastily because this Republican bill was just brought to the floor without any committee action or without any hearings, just brought to the floor right before the August recess and passed and the Democrats' Patients' Bill of Rights, of course, was defeated only by five votes, so we still have a chance to resurrect it. What the Republican leadership was trying to do when they brought their own version, if you will, of HMO reform to the floor in August was to get something passed so that they could go back to the voters at their August town hall meetings or their other venues and say, "Oh, we've accomplished something." But their plan, I assure you, was a sham. It is essentially a managed care bill that is better for managed care organizations, and they are not going to be able to or should not be able to pawn it off as a good piece of legislation. The bottom line is that the Republican leadership is not willing to pass a real managed care reform bill because it does not want to offend the insurance industry.

Let me say, Mr. Speaker, that based on what my constituents voiced to me during the various town hall meetings I have had in the last few weeks is that the Republican plan was essentially a bust. They repeatedly told me that when it comes to managed care that they want three things above everything else.

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They want medical decisions to be made by doctors and their patients, they want direct access to specialists, and they want HMOs to be held accountable for the decisions they make. And my constituents were emphatic in their belief that none of the protections under consideration in this Republican bill are worth a dime because they cannot be enforced, and there is basically one of the best ways to enforce patient protections is to have the right to sue, which of course is not expanded under the Republican bill.

Let me point out why I think that this Republican HMO bill makes current law worse and essentially why all the things that they mention would be corrected, if you will, by the democratic bill.

The first of the three aspects I mentioned is, and perhaps the best indicator of just how bad the Republican managed care bill really is, and this is with regard to the necessity of medical treatment or the appropriateness of medical treatment because this really lies at the very heart of the managed care debate. The Republican managed care bill addresses this question of medical necessity by essentially locking the status quo into place. It does so by allowing HMOs to define what is medically necessary. Under the Republican bill, if your doctor's recommendation does not match your HMO's definition of medical necessity, you are out of luck. So, as you can see, if you have to have a particular operation or you want to stay a certain length of time in the hospital and the HMO decides through its own definition that that operation is not medically necessary, it does not matter what your doctor tells you, because the final word is that they have defined it as not medically necessary. So, if you allow the insurance company to define what is medically necessary which is what the Republican bill does, then the whole idea of shifting the decision back to the doctor and the patient and away from the insurance company as to whether or not you have a particular type of care coming to you is essentially lose.

Now, of course I mentioned before that our democratic bill, the Patient Bill of Rights, corrects this problem and lets the medical professional, the doctor, decide what is medically necessary. The Republicans are trying to pull the same kind of scam, if you will, with access to specialists. The GOP bill would allow women to go directly to the OB/GYN, but it would not give women the right to designate the OB/GYNs as their primary caregivers. And of course the democratic Patients Bill of Rights would do that. So basically also the Republican bill would also allow children to go directly to pediatricians so they give that right but not without strings because under the Republican bill your child may be guaranteed access to a pediatrician, but if your child gets cancer and needs speciality care, there is absolutely no guarantee that he or she will have access to, for example, a pediatric oncologist, a specialist within the pediatric field. So under the Patients Bill of Rights however that child will get that guarantee, so again what we are saying is if the OB/GYN is not the primary care provider, then that person is not going to be the person that gives you a referral to another specialist. And again, if you are allowed to see a pediatrician, that pediatrician does not have the right to send you to a specialist for your child in a particular

area that he or she may need the specialist. Then essentially you again are limited in the choices that you have for a physician or your access to specialty care.

Let me give you another example, if you will, with a cardiologist. If you have a heart problem and you need to see the cardiologist, the Republicans would have you jump through hoops to try to get there, and you could still fail. The democratic bill directly opens the cardiologist's door. So if you have asthma, you can see the asthma specialist and down the line. In other words again, you may through the Republican bill be able to see a cardiologist, but if you need a speciality care or reference for a particular type of cardiologist, you would not have that access, and the same with asthma and other kinds of sub specialities.

What I found at the town meetings that I had is that person after person basically stood up and communicated the belief that patient protections are meaningless without a means of enforcement, and so I would like to talk a little bit about the enforcement issue now as well when you have been denied care.

The only way to enforce protection, a lot of my constituents said, is to give the right to sue when their HMO denies them care and their health suffers as a result. And I know some people say, oh, you cannot give patients the right to sue when the HMOs deny them care because that is just going to result in more lawsuits.

Well, I was not getting that from my constituents at the town hall meetings. They were not worried about the fact that there would be too many loses. They were worried about the fact that if they were denied care, they could not sue for rights under the law, and that is the way it should be. People should be able to go to court if they have been damaged as a result of denial of care.

What we do, what the law is right now, unfortunately, is that if you are in a HMO or a managed care organization that comes under Federal protection, what we call ERISA because the employer is self insured, then you are denied the right to sue for damages, and we would correct that and eliminate that loophole and say that all HMOs or managed care companies can be sued regardless of whether you are under ERISA and under Federal protection.

And I also mention this external appeals process, too, as another means of enforcement where right now under the current law and also under the Republican bill a number of people would only be able to appeal the HMO's decision with regard to denial of care through an internal review process which basically still gives the HMO the right to decide what care should or should not be provided. The democratic bill insists on external appeals for all purposes, and those external appeals are basically judgment calls made by people appointed who are not under the sway of the insurance company.

Now I have to say, Mr. Speaker, that my biggest concern right now is that even though we have passed this, what I consider bad Republican bill in the House, that the Senate may not take up any legislation tall, and I am really saying tonight that the most important thing is that the other body at least move on HMO reform, certainly not on the Republican bill, but at least take up the issue so there is some fair debate and some opportunity to hear from the senators on both sides of the aisle what their constituents are telling them.

Before I conclude tonight I would like to do two things. First of all I would like to give some examples, real life examples that have been brought to my attention, of people that have been denied care or suffered from some of the problems that I pointed out this evening that would be corrected by the Democrats Patients Bill of Rights, and then I would like to go over a few sections of a letter that the President wrote to TRENT LOTT, the majority leader in the Senate, asking that we move on this debate because I think that is the most important thing, that we move on this debate in the 4 weeks that we have left before this Congress is scheduled to adjourn.

Let me give my colleagues some examples though, and I may have used some of these before on the floor, but I want to use them again tonight. Some of them, I think, are totally new because I think they best illustrate why we need the Patients Bill of rights.

This example is from a newspaper dated January 21, 1996, and it talks about a 27-year-old man from central California who was given a heart transplant and was discharged from the hospital after only 4 days because his HMO would not pay for additional hospitalization, nor would the HMO pay for the bandages needed to treat the man's infected surgical wound. The patient died.

Well, again I use the example with the drive-through deliveries. We did pass in the first effort to deal with these problems, we did pass in the last couple of years legislation that eliminated drive-through deliveries so that, if a woman is pregnant, she goes to a hospital, have the baby, she is guaranteed at least 48 hours for a normal delivery, and 2 days for normal delivery, 4 days for a C-section because many of the HMOs were forcing women out of the hospital within 24 hours.

Now this case that I just mentioned with the heart transplant, under the Patients Bill of Rights the decision about whether or not the patient would be able to stay a few extra days in the hospital would be decided by the physician in consultation with the patient and the HMO would not be allowed to deny those extra few days that the physician thought was necessary.

Another example; this is from the same year from Long Island. Well, this is from the Long Island News Day I should say, but it is about a mother in Atlanta who called her HMO at 3:30 a.m. to report that her 6-month-old boy had a fever of 104 and was panting and limp. The hotline nurse told the woman to take her child to the HMO's network hospital 42 miles away, bipassing several closer hospitals. By the time the baby reached the hospital he was in cardiac arrest and had already suffered severe damages to his limbs from an acute and often failed disease. Both his hands and legs had to be amputated. Now that may have been the example that my colleague, the gentleman from Iowa (Mr. GANSKE), gave last week when we were talking about the same issue on the floor.

Again I had not talked much about emergency care tonight, but what the Patients Bill of Rights does, what the democratic bill does, and I call it a democratic bill, but the Patients Bill of Rights has Republican supporters, too. Mr. GANSKE from Iowa is, in fact, the chief sponsor of the bill. So it really truly is bipartisan, but the Republican leadership basically has opposed it. So even though there are some Republicans that support it, the leadership is opposed to it.

And what our bill would do is it would say that the decision about going to an emergency room and going to the closest hospital as opposed to some hospital further away is based on the average citizen's analysis; you know, what we call a prudent lay person's analysis of what is an emergency. And so if you have the situation where your 6-month-old baby had this fever and was panting and limp, the average person would say, well I cannot wait to go to a hospital 42 miles away, I have got to go to the hospital next door or within a few minutes of my house, and therefore the HMO would have to pay because average citizen would understand that that is necessary, and you cannot wait to go to a hospital 42 miles away which is absurd. I think most people have no idea that their HMOs put these kind of restrictions in, but then they find out when it is too late.

Let me give you another example. This is from the Minneapolis Star Tribune, March 23, 1996. A 15-year-old girl with a serious knee injury was taken by her parents to a PPO orthopedic surgeon. The surgeon said there were 2 kinds of surgery for such an injury, traditional scapel surgery and state-of-the-art laser surgery which is considered the most effective method. The insurer would not pay for the more expensive lasar surgery. A company claim supervisor was quoted as saying we are not obligated contractually to provide Cadillac treatment, but only a treatment.

Well there again we go back to who is going to define what is medically necessary. Under the Republican bill that decision is made by the insurance company which is the way it is now under the current law. Under the democratic Patients Bill of Rights that decision is made by the doctor in consultation with the patient. So, if the doctor in this case said that the most effective method is the state-of-the-art laser surgery, that is what the insurance company would have to pay for.

This kind of illustrates, this also illustrates, the gag rule example as well. Now fortunately in this case the HMO apparently did not have a requirement that the physician not tell the patient about the better method, but there are many circumstances where the HMO will actually say to the physician that he cannot mention the alternative, the better alternative, in this case the state-of-the-art laser surgery so that the patient would not even know that there is a better alternative, and that is another thing that we are eliminating with the Patients Bill of Rights.

Let me mention a couple of other examples, and then I will conclude with this letter that President Clinton sent. This is in Oklahoma. It is from the Washington Post, March 12 of 1966, and this is the case in Oklahoma where a neurologist performed a cat scan on a patient suffering headaches revealing an abnormality in the brain. The doctor recommended a magnetic resonance arteriogram which required a one night stay in the hospital. The patient's HMO denied payment on the grounds the test was investigative. The doctor wrote the patient saying I still consider that a magnetic resonance arteriogram is medically necessary in your case. The HMO wrote to the doctor:

I consider your letter to the member to be significantly inflammatory, the HMO's medical director wrote. You should be aware that a persistent pattern of pitting the HMO against its member may place your relationship with the HMO in jeopardy.

So here, because the physician refused to abide by a gag rule and said that he was going to tell his patient what needed to be done even though the HMO would not cover it, now he is in trouble, and he is likely to be penalized or perhaps thrown out of the network because he told the truth.

Well, what kind of a society do we live in where we advocate freedom of speech yet we would deny the physician to speak out and tell his patient what is best based on his own medical opinion? Well, once again that would be corrected by the democratic Patients Bill of Rights not only because the physician would be allowed to say what he had to without any repercussions from the HMO but also because the procedure that was recommended, they would have to pay for it.

What a lot of the HMOs do, they get around paying for a particular type of surgery or operation or procedure by saying it is investigative, et cetera, speculatory, it is something that has not received enough attention.

□ 2000

What we find is that oftentimes a procedure that really is needed by the patient is not reimbursed or not paid for on those grounds.

Let me just give one final example, if I could. This is from the New York Post, September 19, 1995, and this is a 12-year-old girl who had to wait half a year for a back operation to correct a severe scoliosis. The HMO rejected the parents' bid to have a specialist perform the procedure, insisting instead on an in-network surgeon. After taking 6 months to determine that no one in its own network was capable, the HMO relented.

Now, there again, that goes back to what I mentioned before. Under the Democratic Patients' Bill of Rights, if, within the network, there is not a specialist who can deal with the particular problem or the health care need that one has, then one is entitled to go outside the network and the HMO has to pay for the specialist in that circumstance, and that would clearly cover this case.

I could go on and on and mention a lot more examples, and we certainly will over the next few weeks in an effort to make sure that this issue comes to the attention of the Senate and that we have action in the Congress as a whole, and we send a bill to the President before we adjourn in October.

The President, in responding to a letter to TRENT LOTT, the majority leader in the Senate earlier, this month, and I think we entered this letter into the RECORD last week, so I am not going to go into all of the details; but he spells out the problems that he has with the Republican bill that is proposed in the Senate and has a lot of similarities, in a negative way, to the House Republican bill.

But I do want to point out what the President is talking about in terms of the need to move the agenda. He says that, "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 Americans are receiving."

Mr. Speaker, I want to point out that not only has President Clinton been talking about the need for the Patients' Bill of Rights for over a year, started very emphatically in the State of the Union address last January, but he has signed these executive orders that actually expand the types of patient protections that I talked about tonight to those within Federal health plans. Also, last year, the Congress passed and sent to the President, and he signed, the Balanced Budget Act, which also included a lot of these protections in Medicare and Medicaid programs. Not all of them, but a lot of them.

So the President has done his part, really, to not only bring this issue to the attention of the Congress and the American people, but also through administrative methods to try to include it in any plan that comes under the aegis of the Federal Government. However, none of these things apply, or at least are required under Federal law, for anyone who has private health insurance. That is not fair. Clearly, if these things are good enough for the Federal Government, for Federal employees, for those who are in Medicare and Medicaid, it should apply to everyone equally, the same way.

More needs to be done, of course, because a lot of the things are not covered even under the Federal plans because the President does not have the authority to expand all of the patient protections to those plans, so we need the patient protections that I mentioned tonight, not only to make it fair for those who have private plans, but also to cover all of the public plans as well.

The last thing, the other thing that I wanted to point out that the President says in his letter to the majority leader in the Senate, he says, "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 the health care system. I urge you to make the Patients' Bill of Rights the first order of business for the Senate."

The President has indicated, and all of the Democrats have indicated, that we want to work with the Republicans in a bipartisan way to get the Patients' Bill of Rights, or something like it, passed. So far we have not been getting that cooperation from the Republican leadership, even though we do get support from some Republican Members individually.

So I would urge tonight, we only have less than 4 weeks left really, and I would urge my colleagues to put pressure on the Republican leadership, in the Senate primarily, and ultimately in both Houses of Congress, to get this managed care reform agenda moving.

Let us have debate in the Senate, let us get something that both houses can agree on, and let us send it to the President before the October recess. We owe this to the American people, because so many people are suffering now when they are denied health care that they should have as Americans.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GOSS (at the request of Mr. ARMEY) for today and September 15 on account of illness in the family.

Mr. ENGEL (at the request of Mr. GEPHARDT) for today and September 15, on account of the New York primaries.

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of official business.

Mr. JEFFERSON (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. YATES (at the request of Mr. GEPHARDT) for today after 5 p.m. On account of physical reasons.

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. LANTOS) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. LANTOS.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Florida, for 5 minutes, on September 16.

Mr. RAMSTAD, for 5 minutes, today.

Mr. BOB SCHAFFER of Colorado, 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. LANTOS) and to include extraneous material:)

Mr. TOWNS.

Mr. KUCINICH.

Mr. KIND.

Mr. BENTSEN.

Mr. LAFALCE.

Mr. FILNER.

Ms. KILPATRICK.

Ms. MCCARTHY of Missouri.

Mr. BONIOR.

(The following Members (at the request of Mr. MCINNIS) and to include extraneous material:)

Mrs. JOHNSON of Connecticut.

Mr. BILBRAY.

Mr. SHUSTER.

Mr. SMITH of New Jersey.

Mr. COBLE.

(The following Members (at the request of Mr. PALLONE) and to include extraneous material:)

Mr. HOBSON.

Mr. ROHRABACHER.

Mr. JOHNSON of Wisconsin.

Ms. EDDIE BERNICE JOHNSON of Texas.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2094. An act to amend the Fish and Wildlife Improvement Act of 1978 to enable the Secretary of the Interior to more effectively use the proceeds of sales of certain items; to the Committee on Resources.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 8 o'clock and 6 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, September 15, 1998, at 9 a.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10850. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Change in Disease Status of Great Britain Because of Exotic Newcastle Disease [Docket No. 98-002-2] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10851. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Removal of Quarantined Area [Docket No. 97-056-16] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10852. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Mediterranean Fruit Fly; Removal of Quarantined Area [Docket No. 97-056-15] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10853. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Papayas Grown in Hawaii; Increased Assessment Rate [Docket No. FV98-928-1 FR] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10854. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acrylic Acid Terpolymer, Partial Sodium Salts; Tolerance Exemption [OPP-300704; FRL-6024-1] (RIN: 2070-AB78) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10855. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Herbicide Safener HOE-107892; Pesticide Tolerances for Emergency Exemptions [OPP-300703; FRL-6024-7] (RIN: 2070-AB78) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10856. A letter from the Director, Defense Procurement, Acquisition and Technology, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Quality Assurance Among North Atlantic Treaty Organization [DFARS Case 97-D038] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

10857. A letter from the Director, Defense Procurement, Acquisition and Technology, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Waiver of 10 U.S.C. 2534—United Kingdom [DFARS Case 98-D016] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

10858. A letter from the Acting Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule—Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship Program, Fulbright-Hays Faculty Research Abroad Fellowship Progam, and Fulbright-Hays Group Projects Abroad Program (RIN: 1840-AC53) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10859. A letter from the Director, Office of Rulemaking Coordination, Department of Energy, transmitting the Department's final rule—Energy Conservation Program for Consumer Products: Test Procedure for Water Heaters; Correction [Docket No. EE-RM-94-230] (RIN: 1904-AA52) received August 10, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10860. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Certain Chemical Substances; Removal of Significant New Use Rules [OPPTS-50628B; FRL-6020-7] (RIN: 2070-AB27) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10861. 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: Revisions to Several Chapters of the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program [AL-047-1-9825a; FRL-6156-9] received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10862. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—An Approach For Using Probabilistic Risk Assessment In Risk-Informed Decisions On Plant-Specific Changes To The Licensing Basis (Regulatory Guide 1.174) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10863. A letter from the General Counsel, Federal Retirement Thrift Investment

Board, transmitting the Board's final rule—Thrift Savings Plan Loans [5 CFR Part 1655] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10864. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Personnel Records and Training (RIN: 3206-AH94) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

10865. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Captive-bred Wildlife Regulation (RIN: 1018-AB10) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10866. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations (RIN: 1018-AE93), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10867. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Revisions to Regulations Governing Finance Applications Involving Motor Passenger Carriers (STB Ex Parte No. 559) received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10868. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Expensing of environmental remediation costs [Revenue Procedure 98-47] received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10869. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Applicable percentage [Notice 98-42] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10870. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, first-out inventories [Revenue Ruling 98-42] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10871. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—General statement concerning the effective date of Treasury Regulation [Notice 98-40] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10872. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Revenue Ruling 98-43] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10873. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Returns Relating to Higher Education Tuition and Related Expenses [Notice 98-46] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10874. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions [Revenue Procedure 98-50] received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10875. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Rewards for Information Relating to Violations of Internal Revenue Laws [TD 8780] (RIN: 1545-AU85) Receive August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10876. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions [Revenue Procedure 98-51] received September 8, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10877. A letter from the Secretary, Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1999 Rates [HCFA-1003-F] (RIN: 0938-AI22) received September 1, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10878. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to Mexico, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

10879. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

10880. A letter from the Acting Comptroller General, Comptroller General, transmitting List of all reports issued or released by the GAO in July 1998, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

10881. A letter from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting the consolidated report in compliance with the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

10882. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Strategic Plan of the Federal Deposit Insurance Corporation for the years 1998—2003; to the Committee on Government Reform and Oversight.

10883. A letter from the Secretary of the Treasury, transmitting the semiannual report on activities of the Inspector General for the period ending March 31, 1998, and the Secretary's semiannual report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

10884. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the study report for the El Camino Real de los Tejas, pursuant to 16 U.S.C. 1242(c); to the Committee on Resources.

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. GILMAN: Committee on International Relations. H.R. 4309. A bill to provide a comprehensive program of support for victims of torture; with an amendment (Rept. 105-709, Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 3248. A bill to provide dollars to the classroom; with an amendment (Rept. 105-710). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 3898. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to conform penalties for violations involving certain amounts of methamphetamine to penalties for violations involving similar amounts cocaine base; with an amendment (Rept. 105-711 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 535. Resolution providing for consideration of the bill (H.R. 4006) to clarify Federal law to prohibit the dispensing or distribution of a controlled substance for the purpose of causing, or assisting in causing, the suicide, or euthanasia, of any individual (Rept. 105-712). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 4382. A bill to amend the Public Health Service Act to revise and extend the program for mammography quality standards; with an amendment (Rept. 105-713). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 4309 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 5 of rule X the Committee on Commerce discharged from further consideration. H.R. 3898 referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 4321. Referred to the Committee on Commerce for a period ending not later than September 25, 1998 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to Clause 5 of rule X the following action was taken by the Speaker:

H.R. 3898. Referral to the Committee on Commerce extended for a period ending not later than September 14, 1998.

H.R. 4309. Referral to the Committee on Commerce extended for a period ending not later than September 14, 1998.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of Rule X and clause 4 of Rule XXII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHAW (for himself and Mr. LEVIN):

H.R. 4558. A bill to make technical amendments to clarify the provision of benefits for noncitizens, and to improve the provision of unemployment insurance, child support, and supplemental security income benefits; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of Ohio:

H.R. 4559. A bill to assure equitable treatment in health care coverage of prescription drugs under group health plans, health insurance coverage, Medicare and Medicaid managed care arrangements, medigap insurance coverage, and health plans under the Federal employees' health benefits program; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HILL:

H.R. 4560. A bill to provide short-term and long-term relief to agricultural producers, small businesses, and rural communities adversely affected by low prices for agricultural commodities; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON:

H.R. 4561. A bill to amend the Internal Revenue Code of 1986 to provide that members of the uniformed services and the Foreign Service shall be treated as using a principal residence while on official extended duty; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself and Mr. GILLMOR):

H.R. 4562. A bill to establish the Fallen Timbers Battlefield, Fort Meigs, and Fort Miamis National Historical Site in the State of Ohio; to the Committee on Resources.

By Mr. MCINTOSH (for himself and Mr. NADLER):

H.R. 4563. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received for settlement of certain claims of Holocaust survivors; to the Committee on Ways and Means.

By Mr. RYUN:

H.R. 4564. A bill to amend the Internal Revenue Code of 1986 to provide that farm income may be allocated among taxable years; to the Committee on Ways and Means.

By Mr. TANNER:

H.R. 4565. A bill to amend the Internal Revenue Code of 1986 to increase the years for carryback of net operating losses for certain farm losses; to the Committee on Ways and Means.

By Mr. HOUGHTON:

H. Con. Res. 326. Concurrent resolution permitting the use of the rotunda of the Capitol on September 23, 1998, for the presentation of the Congressional Gold Medal to Nelson Rolihlahla Mandela; to the Committee on House Oversight.

By Mr. GUTIERREZ:

H. Res. 534. A resolution congratulating Sammy Sosa of the Chicago Cubs for tying the current major league record for home runs in one season; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Ms. PRYCE of Ohio.

H.R. 218: Mr. MCINTOSH and Mr. PICKETT.

H.R. 979: Mr. LATHAM.

H.R. 2009: Mr. SHERMAN, Ms. CARSON, Mr. BUNNING of Kentucky, and Mr. BROWN of Ohio.

H.R. 2351: Ms. MCCARTHY of Missouri.

H.R. 2537: Mr. METCALF.

H.R. 2639: Mr. LAZIO of New York.

H.R. 2697: Mr. METCALF and Mr. MCDADE.

H.R. 2748: Mr. POMEROY.

H.R. 2754: Mr. DELAHUNT, Mr. SERRANO, and Mr. FORBES.

H.R. 2819: Mr. WELDON of Pennsylvania.

H.R. 2821: Ms. ESHOO and Mr. BARRETT of Nebraska.

H.R. 2908: Mr. MOLLOHAN and Ms. PELOSI.

H.R. 3855: Mr. ROGAN, Mr. MARTINEZ, Mr. KENNEDY of Rhode Island, Mr. BOB SCHAFFER, Ms. LOFGREN, Mr. SKAGGS, and Mr. SHERMAN.

H.R. 3905: Mr. WELLER.

H.R. 3925: Mr. HINCHEY.

H.R. 4070: Mr. REYES and Mrs. CAPPS.

H.R. 4071: Mr. SANDLIN and Mr. BOYD.

H.R. 4213: Mr. RADANOVICH and Ms. VELÁZQUEZ.

H.R. 4219: Mr. OLVER.

H.R. 4238: Ms. SLAUGHTER.

H.R. 4242: Ms. MCCARTHY of Missouri, Mr. ROTHMAN, Mr. MASCARA, and Mr. FAZIO of California.

H.R. 4277: Mr. NADLER, Mr. COOKSEY, and Mr. BAKER.

H.R. 4297: Mr. GEKAS, Mrs. KELLY, Mr. SAM JOHNSON of Texas, and Mr. WELDON of Florida.

H.R. 4303: Mr. BOB SCHAFFER.

H.R. 4330: Mr. PICKERING.

H.R. 4339: Mr. HULSHOF, Mr. CRAMER, Mr. COSTELLO, and Mr. HOLDEN.

H.R. 4344: Mrs. MCCARTHY of New York, Mr. MORAN of Kansas, Mr. POMEROY, Mr. EVANS, Mr. MINGE, and Mr. PRICE of North Carolina.

H.R. 4362: Mr. PETERSON of Minnesota and Mr. KUCINICH.

H.R. 4370: Mr. MANTON, Mr. KANJORSKI, Ms. DELAURO, and Mr. DICKEY.

H.R. 4395: Ms. KILPATRICK.

H.R. 4410: Mr. NEAL of Massachusetts.

H.R. 4417: Mr. BRYANT and Mr. MCCRERY.

H.R. 4449: Mr. DEAL of Georgia, Mr. PETERSON of Minnesota, Mr. PETERSON of Pennsylvania, and Mr. SKEEN.

H.R. 4450: Ms. WOOLSEY.

H.R. 4492: Mr. DOOLEY of California and Mr. COOK.

H.R. 4501: Mr. CUNNINGHAM, Mr. HANSEN, Mr. FROST, and Mr. MEEHAN.

H.R. 4542: Mrs. NORTHUP, Mr. GREENWOOD, Mr. SUNUNU, and Mr. GOSS.

H.R. 4550: Mr. SOLOMON, Mrs. MYRICK, and Mr. LEVIN.

H. Con. Res. 154: Mr. BROWN of California.

H. Con. Res. 203: Mr. DEFAZIO.

H. Con. Res. 304: Mr. LANTOS, Mr. FRANK of Massachusetts, and Mrs. MCCARTHY of New York.

H. Con. Res. 317: Mr. ENGLISH of Pennsylvania, Mr. FORBES, Mr. HOYER, Mrs. NORTHUP, Mr. TURNER, and Mr. CHRISTENSEN.

H. Res. 483: Mr. MARKEY and Ms. NORTON.

H. Res. 519: Mr. SALMON, Mr. ENGLISH of Pennsylvania, Mr. CHRISTENSEN, and Mrs. MYRICK.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4006

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 1: Page 3, line 8, insert after "individual" the following: "without the individual's consent".

EXTENSIONS OF REMARKS

TRIBUTE TO AID TO ARTISANS

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mrs. JOHNSON of Connecticut. Mr. Speaker, as Congress moves forward on consideration of the 1999 foreign operations budget, I would like to draw to your attention some of the highly successful international development programs of Aid to Artisans.

Aid to Artisans, headquartered in Norwalk, Connecticut, is a non-profit organization that offers practical assistance to artisans worldwide, working in partnerships to foster artistic traditions, cultural vitality, and community well-being. Through training and collaboration in product development, production and marketing, Aid to Artisans provides sustainable economic and social benefits for craftspeople in an environmentally sensitive and culturally respectful manner.

Over three years, Aid to Artisans developed with Armenia partners the Armenia Craft Enterprise Center (ACEC) under a USAID funded humanitarian assistance program. ATA product designers developed a line of children's sweaters, taught knitters how to create high quality products, and presented them to the U.S. market. Several U.S. businesses now have a reliable supplier and have benefited from importing beautiful new sweaters. Over 600 Armenia women, who were living on a $5 per month pension, have home businesses and are earning $50 per month. ACEC is now a sustainable for-profit business and has attracted outside capital.

In South America Aid to Artisans has had similar success. USAID's Microenterprise and Small Producer Support Project began investing in Peru's artisan sector in 1994. Aid to Artisans' role has been to train artisans in business skills, develop marketable products, and take the products to the New York International Gift Fair (NYIGF). At this trade show, ATA linked Peruvian businesses with American businesses. One New Hampshire company found a new supplier of hand-painted ceramics. Neiman-Marcus and Sundance catalogs ordered handmade pottery from Chulucanas, a northern Peruvian village where El Nifio flooded their homes and washed some roads away. In four years American businesses have been assisted by USAID's investment, and over 6,000 jobs have been created in Peru.

In Africa Aid to Artisans has worked hard to promote product development. In a small village named Krofofrom, where there is no electricity, artisans have a long tradition of making brass objects for the tribal leaders of their country. Their technique of using lost-wax casting and recycled brass goes back to the past century. As local demand for their work decreased, unemployment rose, and the youth began to leave Krofofrom for the cities. Aid to Artisans, under USAID's Trade and Investment Program, was invited to work with the artisans. Quickly, new product lines of candleholders, napkin rings, art objects and decorative components for wood products were developed. The products have been introduced into the American market and U.S. importers have added them to their lines. Gumps catalog featured one of the votive candleholders. Today, there is full employment in Krofofrom, and entrepreneurs from the village are travelling on their own to international markets.

The value of organizations like Aid to Artisans can not be emphasized enough. With the help of our federal funding, Aid to Artisans plays an integral role in creating income and ultimately a better quality of life for disadvantaged artisans in developing countries.

IN HONOR OF RICHARD KOWALCHIK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. KUCINICH. Mr. Speaker, I rise to honor the achievements of Richard Kowalchik, who has dedicated thirty years to government service.

Mr. Kowalchik has been an Ohio resident since 1942 when his parents moved to the Cleveland, Ohio area from Pennsylvania. He was educated in the Cleveland Public School System and earned degrees from both Ohio University and Western Michigan University.

On April 1, 1968, Mr. Kowalchik was hired as an Immigration Inspector with the Department of Justice, United States Immigration and Naturalization Service, in Cleveland Ohio. In 1973, he was promoted to the position of a Deportation Officer, where he served for over four years until he was selected as a Special Agent. In that Investigations Program, Mr. Kowalchik advanced to positions of Supervisory Special Agent, Senior Special Agent and Assistant District Director for Investigations. In 1989, he was promoted to Deputy District Director for the Cleveland District.

Through time and experience, Mr. Kowalchik earned respect and dignity from his coworkers. This respect and dignity earned him the right to serve on the Organized Crime Strike Force, working with the Department of Justice and the U.S. Attorney's Organized Crime Drug Enforcement Task Force. On August 31, 1998, Mr. Kowalchik retired as District Director and will be remembered in the workplace as a man of impeccable integrity and fairness.

My fellow colleagues, join me in honoring Mr. Kowalchik, a man who has benevolently dedicated and unselfishly given thirty years of service to the United States Immigration and Naturalization Service's Cleveland District.

A TRIBUTE TO ROSE CIOTTA

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. LAFALCE. Mr. Speaker, I would like to call to the attention of our colleagues the extraordinary career of long-time Buffalo News reporter and columnist, Rose Ciotta, who will soon be departing for a new challenge, and I'm sure continued success, in Philadelphia. She will be receiving much-deserved recognition this weekend when the Buffalo Sailing Club honors her at its Last Chance Regatta.

Rose, a graduate of Bishop O'Hern High School and Syracuse University, began work for the News in June, 1977. Over the years she became one of the most highly regarded political and feature writers in Western New York. For the past eleven years, she has also written a weekly boating column that is a "must read" for all of the area's sailboat racers, in fact, for everyone who uses the great water resources of Lake Erie and Lake Ontario.

Rose Ciotta's contribution to the Buffalo waterfront cannot be overstated. Her columns have showcased the people and the events that make up our waterfront life and have served to make this great resource accessible and immediate to all of the residents of Western New York. Although an ardent sailboat racer herself, Rose's interests were eclectic, spanning two Great Lakes; two countries, the United States and Canada; and the Niagara River and Erie Canal, as well.

Rose Ciotta's special talent was in presenting the facts or history of an event in the words of those taking part. Her stories about boat races, lighthouse restoration, boating clubs, even legislation, always involved the people behind the operation. She brought glory to those who love the waterfront and never expected any recognition for their special contributions. These people are our neighbors and friends and Rose's interest in their accomplishments made the waterfront a place for all of us, in which we can all take pride.

Rose brought the waterfront to the people of Western New York in a way that no developer or policy maker could. She made it real; she made it fun; she made people care. Congratulations and thanks to Rose Ciotta as she leaves us for The Philadelphia Inquirer. She will be sorely missed.

NATIONAL INSTITUTE FOR METALWORKING SKILLS

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. HOBSON. Mr. Speaker, I rise today to recognize the achievements of four individuals from my district and to support the work being done by the non-profit National Institute for Metalworking Skills, or NIMS.

Today, there are approximately 10,000 precision metalworking companies which provide key components for the global market and provide challenging and high-paying jobs for thousands of Americans. These Americans produce high-precision tools, dies, and moldings for industry, as well as the actual components for everything from automobiles to refrigerators.

NIMS has recognized the need for leadership in the development of a portable, measurable, and widely recognized skill standards curriculum to maintain the United States' international leadership in precision metalworking. At the same time, employees can continually improve their training and expertise, and in turn their marketability.

NIMS was founded in 1995 as a non-profit organization to support the development of a skilled workforce for the metalworking industry through the development of portable skill standards. These standards would be implemented by certifying training programs within the industry and within educational establishments to train employees and students to these new standards. NIMS is actively working with states, schools, and companies to form partnerships to implement this comprehensive employee training program.

I am especially proud that four constituents employed in Ohio's 7th Congressional District were the first in the nation to receive the National Skills Standards for Metal Stamping Level III certificates. I would like to recognize the achievements of George Anzek and Tim Conkel from Morgal Machine Tool Company, and Dave Buxton and Kevin Miller from Ohio Stamping and Machine Company. These individuals were recognized in an earlier ceremony in Ohio and were personally awarded these certificates by Ohio Governor George V. Voinovich. My sincere congratulations are extended to these four individuals.

I would like to enclose for the RECORD the following letter by the eight governors of the Great Lakes States. Metalworking is an important component of the economic life of the Great Lakes States, and they have agreed to work in partnership with NIMS to recognize the NIMS occupational standards.

Skill standards are really about unlocking the potential of employees, which makes sense for both employees and employers. The companies where these employees work, which are both based in my hometown of Springfield, Ohio, recognized the value of investing in their employees. Morgal Machine Tool Company and the Ohio Stamping Machine Company offer their employees skill training and performance related bonuses. By making significant and continuing investments in their employees training, they have demonstrated the value of these investments in human capital through consistent improvements in productivity.

I support these efforts to improve our nation's skilled workforce and look forward to the continued development and utilization of the NIMS skill standards model.

A TRIBUTE TO PENN STATE UNIVERSITY FOOTBALL COACH JOE PATERNO

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. SHUSTER. Mr. Speaker, Mr. Speaker, I rise today to pay tribute to an old friend who has accomplished something that only five other collegiate football coaches have been able to do in their careers, win 300 games. As a native of Brooklyn, New York and a graduate of Brown University, Joe Paterno came to the Pennsylvania State University 48 years ago and has become synonymous with the university over this time. On Saturday, September 12, 1998, Joe won his 300th game in his thirty-third year as head coach of the Penn State Football team. Joe Paterno exemplifies everything that is good about collegiate athletics without overshadowing the importance of academics. Under this tutelage, Penn State Football has won two national titles and had 29 first-team All Americans and 20 first-team academic All Americans. In addition, 23 of Joe's student-athletes have been chosen in the first round of the National Football League draft and 16 have been chosen for National Collegiate Athletic Association postgraduate scholarships. Joe has made many generous donations to the university, and appropriately a wing of the library has been named in his honor. These noble achievements by such an exceptional and humble man are not surprising. I know that Penn State University is grateful to have Joe as a key member of the university, and so am I. I applaud Joe's accomplishments and wish him the best as he leads Penn State towards a sixth undefeated season and winning another national championship, a goal that is never too far from Joe's reach.

HONORING THE MEMORY OF REVEREND DOCTOR RANDOLPH D. BROWN (1906–1998)

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. TOWNS. Mr. Speaker, I rise today to honor the memory of Reverend Doctor Randolph D. Brown. A man of vision, devotion and tireless service to others in the spirit of God. A man who gave a voice to those who could not speak for themselves.

While in Michigan, Reverend Brown was paster of two churches. He was instrumental in building the First Baptist Church of Woodlawn Park, Michigan. He became pastor of the Mount Ollie Baptist Church in Brooklyn, New York on May 6, 1939. Pastor Brown has brought many people together in the family of God for the last forty-six years and six months. In the community he was known as the visionary and persuasive voice of the people.

Reverend Randolph D. Brown not only ministered from the pulpit, but also stood as a man of God that led by example. He served on the National Baptist Convention's Board of Directors for many years. He was one of the early members of the Board for the "Voice" Publications, the newspaper that is circulated throughout the National Baptist Convention, Inc. He held various offices in the Eastern Baptist Association.

Always outgoing and full of life, Reverend Brown was the most prominent pastor in the Brownsville Community of Brooklyn, New York during his ministerial tenure. He was called upon numerous times to negotiate on the behalf of The Baptist Churches in matters of dispute and controversy. He was a steady constant in a sea of change, for the betterment of mankind. He was a strong voice in the transition of Bethel Hospital to Brookdale Hospital. His input in the community was vital in brining into reality the now present Nehemiah Homes, and other similar housing developments. He facilitated relationships with the 73rd precinct to bring about an era of mutual trust and partnership.

The Reverend Doctor Randolph D. Brown was a dedicated pastor, loving father, true friend and an innovator and doer within his community. Those who knew him personally are thankful to have been blessed to have known such a man as Reverend Brown. Mr. Speaker, please join me in honoring the living memory of Reverend Doctor Randolph D. Brown.

IN HONOR OF THE 125TH ANNIVERSARY OF ST. PROCOP PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. KUCINICH. Mr. Speaker, I rise to recognize the St. Procop Parish for its year long celebration of serving in the Cleveland Community for 125 years.

After the large migration of Bohemian people to Cleveland in the late 1800's, St. Procop was established to serve Czech Catholics living on the west side of Cleveland. Throughout the decades, St. Procop has provided a rich atmosphere of spiritual, social and educational growth to its members.

As an urban parish, the parishioners have a healthy sense of respect for tradition, a commitment to faith, and a friendly welcoming atmosphere for all people. For over a century, the St. Procop Parish has been a viable Catholic presence in the city and today still continues to convey it's mission of Christ.

As the St. Procop continues to be a Christ-centered, hope-filled community, the church perseveres to face the needs and challenges of the community through: celebrating, evangelizing, teaching, caring and participating.

My fellow colleagues, please join me in praising the St. Procop Parish, a diverse, charitable and caring parish dedicated to improving the community of Cleveland on their 125th anniversary.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

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. Res. 525, providing for release and review by the Committee on the Judiciary of a communication from Independent Counsel Kenneth Starr. Had I been present, I would have voted "nay" on final passage on this measure.

TRIBUTE TO NILES DELFOSSE

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. JOHNSON of Wisconsin. Mr. Speaker, I rise today to pay tribute to a great teacher, Niles Delfosse of Green Bay, Wisconsin.

I call Niles a teacher for the lessons he gives all of us about the strength of the human spirit. He is a U.S. Army combat veteran of the Vietnam War, and he knows a great deal about courage and sacrifice.

But on December 31, 1996, a drunk driver left Niles Delfosse a quadriplegic, the victim of a hit-and-run car accident. Niles spent over six months in the hospital recovering from the accident, and is now confined to a wheelchair with very limited use of his arms and legs.

Such a tragic event would undoubtedly shake any person's faith. Yet, Niles' friends tell me that he maintains a positive attitude that inspires everyone around him, every day.

And he leads by example. I am proud to report to you today that this past summer, Niles participated in the 18th National Veterans Wheelchair Games in Pittsburgh, Pennsylvania. This field of more than 600 athletes from 40 states, Puerto Rico and Great Britain is the largest annual wheelchair sports event in the United States, and is sponsored by the U.S. Department of Veterans Affairs and the Paralyzed Veterans of America.

Niles did not just compete in these games. He excelled. When the events were over, Niles took home a gold medal in the shot, and gold medal in the javelin, a gold medal in the discus, a gold medal in bowling, and a silver medal in the air guns. Five events, and he earned four gold medals and a silver. That is an amazing accomplishment. But it would be a great accomplishment, even if Niles did not take home a single medal. It is the competition and the will to succeed that marks Niles character, and his character is his true achievement.

Mr. Speaker, I know my colleagues join me to day is congratulating Niles Delfosse for his success and for the inspiration he gives us all, and we congratulate all of the participants in the National Veterans Wheelchair Games. Thank you, Niles.

HONORING SUSAN PENN FRENCH

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. BENTSEN. Mr. Speaker, I rise to honor an extraordinary individual, Susan Penn French of Houston, for her many years of leadership and dedicated service to children in the Houston/Harris County community and throughout the State of Texas.

On September 16, 1998, the National Network of Children's Advocacy Centers will award Susan Penn French the Volunteer Leadership-Individual Award for her efforts on behalf of sexually abused children. This award is very well deserved as Ms. French is a cofounder of The Children's Assessment Center in Houston, which is nationally and internationally recognized for its pioneering, child-focused approach to meeting the needs of sexually abused children.

Ms. French today serves as President of the Children's Assessment Center Foundation Executive Committee. She and Ellen Cokinos, the Executive Director of the Center, were the driving forces behind the establishment of the Center in 1991 to provide a more compassionate approach to assisting young victims of sexual abuse. Then the President of the Junior League of Houston, Inc., and a member of the Harris County Child Abuse Task Force, Ms. French spearheaded fundraising for the Center, while Ms. Cokinos worked to develop a new therapeutic model.

Together, these two leaders had the vision to conceive of the Center, the resourcefulness to build a remarkable partnership of public and private support, and the drive to get the job done. Their love for and understanding of children is evident in every aspect of The Children's Assessment Center.

The Center, the largest of its kind in the nation, combines the strengths of the public and private sectors and the support of many dedicated volunteers to meet the multiple needs of sexually abused children in the most compassionate and least traumatic way possible. It houses professionals from 10 partner agencies, encompassing children's advocates, law enforcement, and health care providers, to provide a coordinated, team response to protecting children. In addition to providing on-site medical and social services, the Center takes a pioneering approach to meeting law-enforcement needs that involves a single videotape by specially trained interviewers that allows the Center staff, law enforcement officials, social workers, prosecutors, and other partnering members to obtain necessary information without subjecting the child to additional trauma and questioning. This team approach to serving sexually abused children speeds recovery and improves the effectiveness of law enforcement.

From its inception as a program of Harris County Children's Protection Services, the Center has grown exponentially and now stands as its own department of Harris County Commissioner's Court. In a true public-private partnership, the Center receives half of its annual operating budget from Harris County and half from funds raised by its foundation through the generous contributions of corporations, foundations, and individuals. The federal government has been a partner as well, providing support through the Community Development Block Grant, Juvenile Justice and Delinquency Prevention, Foster Care Services, and Victims of Crime programs.

Susan Penn French has been critical to making The Children's Assessment Center what it is today. In addition to leading the initial fundraising, she served as Chair of the Center's first Board of Advisors. After the Center's opening, Ms. French created and developed the unique public/private funding structure, leading to the establishment of the independent, non-profit Children's Assessment Center Foundation.

As President of the Foundation and chair of its capital campaign, Ms French spearheaded a successful drive to raise $10.25 million to build a new, 53,000-square foot, state-of-the art facility to house The Children's Assessment Center. First Lady Hillary Rodham Clinton cut the ribbon to open the new facility in March of this year, using the occasion to pay tribute to the Center's pioneering work and Ms. French's leadership in helping sexually abused children.

Ms. French's work on behalf of children is not limited to the Children Assessment Center. Since 1990, she has advocated on behalf of abused children access Texas by serving as a Board Member of Texas Court Appointed Special Advocates for Children. From 1994 to 1996, she served as president of this organization, which appoints advocates for abused children as they progress through the system. She also serves as a board member of Children's Advocacy Centers of Texas, Inc., chairing their Public Relations Committee.

Mr. Speaker, Susan Penn French is highly deserving of this recognition, and I am pleased to join the National Network of Children's Advocacy Centers, The Children's Assessment Center, Susan's husband, Layne, and their Children, Rebecca an Layne, Jr., in honoring her today for her commitment to serving our nation's most vulnerable citizens and her many accomplishments on their behalf.

COMMEMMORATING 50 YEARS OF RELATIONS BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 9, 1998

Mr. POMEROY. Mr. Speaker, I rise in strong support of H. Res. 459, a resolution commemorating 50 years of relations between the Untied States and the Republic of Korea. I want to personally thank Congressman GILMAN, the sponsor of the legislation, for his work on this issue.

Since the liberation from colonial Japanese rule and the end of the Korean War, the United States has been a staunch supporter of Korea. During the cold War era, Korea played a key role in impeding the spread of communism around the world. Korea has demonstrated through its own successful transition to democracy that cooperative efforts have been beneficial. Last year, Korea was on the verge of national financial turmoil, but, instead of falling into a depression, it started to rise again with the assistance and cooperation of the Untied States. It is with respect that we commemorate 50 years of close relations between our countries.

As a father of two adopted children from Korea—Kathryn and Scott—I understand how closely connected Korea is with us. Koreans and Americans have formed a brotherhood, uniting in our common interests and values, which includes the welfare of our children. As we continue pursuing even stronger bilateral relations, Congress should play a positive role in promoting our relations with Korea. I urge my colleagues to support this resolution.

CONGRATULATIONS TO SHARP REES-STEALY ON THEIR 75TH ANNIVERSARY

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. BILBRAY. Mr. Speaker, in 1923, Time magazine published its first issue, Amelia Earhart received a pilot's certificate, Walt and Roy Disney began a movie studio, and two San Diego physicians joined together to establish the area's first multi-specialty group practice.

The two physician/surgeons, Clarence Rees, M.D. and Clair Stealy, M.D., believed that patient care would be enhanced if doctors representing multiple specialties worked together. Now, 75 years later, Sharp Rees-Stealy Medical Group is one of the largest multi-specialty groups in Southern California.

In 1923, combining specialties was a bold act, but physicians who joined Rees-Stealy soon learned they were able to collaborate with colleagues from other specialties, vastly improving the diagnostic process and providing comprehensive, efficient and thorough patient care in a cost-effective manner. Because of this, Sharp Rees-Stealy became the official physicians for local schools, the police and fire departments and other civic organizations in addition to serving thousands of San Diegans.

With the group's unique position in the community, Dr. Stealy initiated the first citywide physician referral service for patients and the first (and largest until 1966) medical library in San Diego. He was also instrumental in starting a teaching service at what was then County Hospital, and was a founding member of the American College of Physicians. Dr. Rees was the first member of the American College of Surgeons west of the Mississippi.

Both doctors placed a premium on research as well, establishing the Rees-Stealy Medical Research Foundation in 1938.

In 1976, the first satellite office opened in Mira Mesa, and in 1983, the McCausland-Robinson Medical Clinics of Chula Vista merged with Rees-Stealy.

In 1985, the medical group took another bold step into the future of health care by affiliating with Sharp HealthCare, creating the Sharp Rees-Stealy Medical Group. This joint venture was the first of its kind in San Diego and attracted national attention.

Today, the tradition of quality and caring continues. Sharp Rees-Stealy now has 14 San Diego County locations with more than 280 physicians representing virtually every field of medicine. Sharp Rees-Stealy is one of the few providers who allows its HMO patients to refer themselves to some of its specialists. Patients also have access to 24-hour health care advice, same day primary care appointments, and urgent care centers to deliver care whenever their patients need it.

While times have changed over the last 75 years, the doctors and staff at Sharp Rees-Stealy still believe in old-fashioned quality care with a personal touch. I know that my congressional colleagues will join me in congratulating them on their incredible record and wish them the very best for the next 75 years.

PROFESSOR LARRY HEIMGARTNER

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. ROHRABACHER. Mr. Speaker, I am pleased and honored today to address the House regarding Professor Larry William Heimgartner.

For the past twenty-five years, Mr. Heimgartner has served as a distinguished faculty member of the Los Angeles Harbor College Humanities and Fine Arts Division. He has been a tireless, dedicated professional, who has had a profound impact on the thousands of students who have come under his influence as a mentor, advisor, confidant, counselor and teacher.

Professor Heimgartner is an accomplished playwright, director, and producer. Over the course of his tenure at Harbor College he has written, produced and directed many original theatrical productions, including the one man show "Abraham Lincoln"; the Broadway musical "Grab the Ring"; a musical adaptation of "Alice in Wonderland"; and "Bigger Than Bubblegum," a musical portrayal of the life and times of the 1970's pop group The Emotions.

Professor Heimgartner has long directed his considerable talents and energy toward the education of children. He has written, produced, and directed a series of musical "plays with a moral" for children. These plays are presented annually as a part of the U.S. Marine Corps' "Toys for Tots" program, and as a feature of Harbor College's Summer Children's Theater events. He has also presented "America's Youth," which addresses the challenges confronting our children today, and "Don't Get Too Close," a hard-edged presentation regarding the dangers of AIDS and HIV.

Professor Heimgartner is an educational innovator. He has developed and instituted a variety of laudatory programs for the benefit of his students and the community. He has conducted study programs in Europe through a cooperative exchange program with England's Barnsley College, directed interactive teleconferencing sessions in the state, nation and in the international community, and introduced the More Opportunities for the Developmentally Disabled program. The MODD Squad, as the professor calls it, is an innovative program which provides opportunities for people with disabilities to participate in the College's original dramas.

Larry William Heimgartner is an esteemed and respected faculty member of Harbor College. He is the recipient of the Eugene Pimentel Award for Teaching Excellence, and has been named in Outstanding Young Men of America. As an alumnus of Harbor College, it is with great personal pride that I express my thanks and good wishes to Professor Heimgartner on the occasion of his twenty-fifth anniversary with the College. He is an example of the best of America.

IN HONOR OF JOHN H. BRADLEY

HON. JAY W. JOHNSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. JOHNSON of Wisconsin. Mr. Speaker, later this month, on September 27, 1998, the National Funeral Directors Association will officially dedicate their new headquarters building in Brookfield, Wisconsin. On that day, they will honor and remember a very special man, John H. Bradley of Antigo, Wisconsin. He was a beloved husband and father, a committed community leader, a respected church member, and a funeral director by profession.

When John Bradley passed away in 1994, he left his family and all of his many friends in Antigo with memories of a lifetime of loving concern and head work. They will undoubtedly never forget him.

But there is another reason why John Bradley will never be forgotten. It is the result of a relatively short period in his life when he served his country when the world was at war. It is, not incidentally, a time in his life of which, I am told, John Bradely rarely spoke. I assure you that every day, just a short walk from our Nation's Capitol, thousands of Americans remember and salute him every day. Because John Bradley was one of six Marines who bravely thrust the American Flag into the soil of Mount Suribachi on the Pacific island of Iwo Jima on February 23, 1945. With that one act, John Bradley and his countrymen symbolized this country's fighting spirit and our willingness to sacrifice for freedom and democracy the world over. The planting of our Flag on that day is burned in our nation's history, and it has been rightfully commemorated as the Marine Corps War Memorial today. The valor of those six men has earned the respect of every U.S. citizen who has come after them.

We should always remember that crucial 36-day assault in 1945 on Iwo Jima. Securing the island was vital to our country's position in the Pacific during World War II, but the toll was immense. When the last short was fired, 6,821 Marines gave their lives to the effort, and greater than 20,000 more suffered casualties so that the United States could succeed

and freedom could prosper. In the long and venerated history of the Marine Corps, Iwo Jima was the only battle where Marines took more casualties than the enemy.

John Bradley took home the Navy Cross—our country's second highest award for bravery—for his actions at Iwo Jima. As a medical corpsman, he earned the medal for rushing to the aid of two injured Marines, and then protecting them with his body while he treated their wounds. His care for his fellow country men is even more significant because Bradley himself had been shot through both legs just moments before.

How can our Nation every repay the enormous sacrifice made by John Bradley and every other serviceman during those torturous battles? we can only come close by honoring their valor and preserving a democracy worthy of their effort.

Mr. Speaker, as a veteran myself, I know my colleagues will join me today in saluting the full life of John Bradley, and his entire family for making Wisconsin and making this country a truly better place.

SAN DIEGO COUNTY BUILDING & CONSTRUCTION TRADES COUNCIL 1998 JOHNS FELLOWSHIP AWARDEE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. FILNER. Mr. Speaker and colleagues, I rise today to recognize John Fee as he is honored by the San Diego County Building & Construction Trades Council at the September 19, 1998 John S. Lyons Memorial Banquet for his contributions to the labor movement, his community and to the nation.

John Fee, a Chicago native, has been an active and involved member of his community since early in his life. In high school, he participated in the football and cross country athletic programs, and, at age seventeen, he enlisted in the United States Navy. Fee's twenty year career in the Navy involved operation and maintenance of Naval nuclear power plants and service on nuclear submarines, cruisers and aircraft carriers. It was during his service in the Navy that he earned an undergraduate degree in Mechanical and Nuclear Engineering and a Masters in Business Administration.

John is an avid traveller and has visited every continent. He planted a U.S. flag during a visit to the North Pole and assisted the Russian Government with building a nuclear power plant.

Following his retirement from the Navy in 1984, John went to work at the San Onofre Nuclear Generating Station (SONGS) in San Diego County and currently serves as its Maintenance Manager. John is responsible for maintenance of the dual reactor plants and supporting systems, and in this capacity, has developed a close relationship with members of the San Diego Building and Construction Trades by relying on them for their skills and expertise.

John has been instrumental in improving the safe working conditions at the SONGS site and has kept the interest of the building trades membership balanced with the multitude of challenges as the electric utility industry goes through the process of deregulation.

John Fee exemplifies the high values, standards and principles of the work of the late John S. Lyons in community service and it truly deserving of the San Diego County Building and Construction Trades Council's 1998 Johns Fellowship Award.

AZERBAIJAN ELECTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. SMITH of New Jersey. Mr. Speaker, on October 11, presidential elections will take place in Azerbaijan. At the moment, the leading opposition parties are boycotting the election, largely because of continuing disagreements with the government over the composition of the Central Election Commission. They have embarked on a series of rallies and demonstrations, and the atmosphere in Baku has become quite tense. In fact, Reuters has reported from the opposition that about 100 people were hurt on Saturday during a long rally in the capital's city center.

The National Democratic Institute (NDI) has observers in Azerbaijan in preparation for the October election. According to NDI's statement, "NDI representatives witnessed the attempts of political parties to conduct a publicly-announced rally. The rally was obstructed by police and others who used violence against the demonstrators to prevent a public gathering and disperse them . . . NDI condemns the use of violence by police and others against demonstrators. Such actions violate the Azerbaijani Constitution's guarantees of the rights of free assembly and expression. They raise substantial doubts about whether the official respect for law and dissent that are indispensable for democratic elections exist in Azerbaijan."

Against this background, five Members of the Helsinki Commission, of which I am Co-Chairman, recently sent a letter to President Aliev, urging him to continue talks with the opposition and find a formula that would permit broad participation in the election. I would like to enter the full text of that letter into the RECORD.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE,
Washington, DC, August 25, 1998.

His Excellency HEYDAR ALIEV
President, Republic of Azerbaijan, Baku, Azerbaijan

DEAR MR. PRESIDENT: The Helsinki Commission has been closely monitoring the preparations for the October 11 presidential election in Azerbaijan. This election is particularly significant and will have major ramifications both on your country's democratization and on the prospects for peace in the Caucasus region.

After years of mutual suspicion and recriminations between the government and the opposition, the upcoming election offers a chance for reconciliation and the establishment of much-needed consensus within Azerbaijani society. An election deemed free and fair by Azerbaijanis and international observers will endow the government with unquestioned legitimacy and help to undo the consequences of the flawed parliamentary election of November 1995.

Moreover, a process of government-opposition reconciliation in Azerbaijan is essential to facilitate a resolution of the Nagorno-Karabakh conflict. Though the 1994 cease fire remains in effect, the peace process, unfortunately, has bogged down. In order to restart the negotiations, the parties to the conflict will have to make difficult choices, which will not be politically feasible without strong backing from their electorates.

It is therefore all the more regrettable that major Azerbaijani opposition parties have not found it possible to take part in the election. We recognize that the election law originally passed by parliament, which the opposition found unacceptable, has been substantially modified over the last few months, with input from experts at the OSCE/ODIHR and the National Democratic Institute. Various demands put forward by the opposition have been met. Particularly important was the recent announcement of the abolition of censorship, which, we hope, will be consistently implemented, and will, in fact, signal the end of all political censorship in Azerbaijan.

We commend your willingness to make these changes in the law, and your pledge to hold free and fair elections, in accord with OSCE commitments. Nevertheless, the opposition boycott remains in effect, primarily because of continued differences over the composition of the Central Election Commission. A presidential election without the leading opposition parties—no matter how many other candidates take part—will not promote stability to resolve the most pressing issues facing Azerbaijan at this historic juncture. With the election now less than two months away, very little time remains to reach agreement. We urge you to redouble your efforts and continue the negotiations which your representatives have already begun with opposition leaders to find a mutually acceptable formula that will permit broad participation in the election.

Sincerely,

CHRISTOPHER H. SMITH, M.C.,
Co-Chairman.
FRANK R. WOLF, M.C.,
Commissioner.
BENJAMIN L. CARDIN, M.C.,
Commissioner.
ALFONSE D'AMATO, U.S.S.,
Chairman.
STENY H. HOYER, M.C.,
Ranking Member.

TRIBUTE TO EDWARD C. SMITH

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. COBLE. Mr. Speaker, the American Dream is alive and flourishing. If you do not believe it, just examine the life of Eddie Smith of Lexington, North Carolina.

Eddie celebrated his 80th birthday on September 13, with 400 friends, dancing to the beat of his favorite beach music. Smith might be one of the few octogenarians around who scuba dives, races Ferraris, and flies his own plane.

Eddie Smith was born in Wake County, North Carolina. Orphaned at the age of 10, he was brought to Lexington with his sister and two brothers to live at the Junior Order Orphanage. After graduation in 1937, he remained in Lexington where he began working as an usher at the Carolina Theater, and it was there that he met his future wife, Sarah Lanier.

After his job at the Carolina Theater, Eddie drove a taxicab before starting his own business, National Wholesale Company in 1952. As his business prospered, Eddie shared his good fortune with the community that helped to raise him. He has served as Mayor of Lexington, on the City Council, as Chairman of the Chamber of Commerce, Chairman of Davidson County Community College, Chairman of First Union National Bank, and Chairman of Lexington Memorial Hospital.

An eternal optimist and visionary, Smith refused to see the old Carolina Theater become a pornographic theater and led an effort to restore the building and create one of the most beautiful Civic Centers in our state. He has been Chairman of the Civic Center, which is named in his honor, for 20 years. He is presently chairing a fund drive to further renovate the Civic Center to make it a state-of-the-art facility.

An inveterate jogger, Smith found a woman in the street, on one of his early morning jogs, who had run away from an abusive husband during the night after being severely beaten. After hours of trying to find a shelter for this woman, he realized that there was a tremendous need in Davidson County for a Domestic Violence Shelter and spear-headed the effort to establish Family Services of Davidson County. This organization assists hundreds of abused families each year.

Through the Edward C. Smith Foundation, he has given many young people the opportunity to earn the college education which he never had. He is an avid supporter of the University of North Carolina at Chapel Hill where both of his children graduated. Eddie Smith, Jr., lives in Greenville, North Carolina, and is Chairman and CEO of Grady-White Boats. Lynda Smith Swann lives in Lexington and is co-owner of the National Wholesale Company. Eddie was married to his wife, Sarah, for 58 years until her death on January 24, 1998. He has 3 grandchildren and three great grandchildren.

A colleague once described Eddie Smith's life in this way. "Eddie Smith has been richly blessed by God, and he has chosen to use his blessings to bless others." These are just a few examples of the tremendous contribution that Eddie Smith has made during his 80 young years. I want to take this opportunity to wish Eddie a happy 80th birthday and to thank him for his many years of service to the citizens of North Carolina. Without a doubt, Eddie epitomizes what our forefathers envisioned when they established this great country over 200 years ago.

TRIBUTE TO THE 40TH ANNIVERSARY OF OUR LADY QUEEN OF ALL SAINTS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Mr. BONIOR. Mr. Speaker, today I would like to recognize a parish that has dedicated four decades to the service of God and community. On Sunday, August 23, 1998, Our Lady Queen of All Saints will celebrate its anniversary.

Located in Roseville, MI, Our Lady Queen of All Saints has been a center of religious and social activity for 40 years. During those years, the congregation of Our Lady Queen of All Saints has joyfully celebrated Christmas and Easter, baptisms and weddings, while lending a warm shoulder to those suffering. Our Lady Queen of All Saints has been a faithful friend to all who have walked through the front doors.

When the parish was founded in 1958, the church service was held in a rented store front on Utica Road in Fraser, MI. Since then, a new church has been built and 1,300 families have joined the parish. The clergy and membership have given their time and talents to serve God and their community.

Our Lady Queen of All Saints has been the center of many people's lives for 40 years. Although history and time has changed the congregation, the spirit of the church has remained strong. I would like to personally congratulate the parishioners on this historic milestone. Best wishes in the next 40 years.

DIGITAL MILLENNIUM COPYRIGHT ACT

SPEECH OF

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 4, 1998

Mr. HYDE. Mr. Speaker, I submit, for inclusion in the CONGRESSIONAL RECORD, the following two letters exchanged between myself and BILL ARCHER, Chairman of the Committee on Ways and Means, regarding H.R. 2281, the "Digital Millenium Copyright Act."

HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
July 22, 1998.

HON. BILL ARCHER,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR CHAIRMAN ARCHER: Thank you for your letter of July 21 in which you address the jurisdiction of the Committee on Ways and Means as it relates to H.R. 2281, the "WIPO Copyright Treaties Implementation Act and Online Copyright Infringement Liability Limitation Act," as reported from the Committee on the Judiciary.

Based on the jurisdiction of the Committee on Ways and Means in certain provisions contained in H.R. 2281 which are described in your letter, the Speaker of the House referred sequentially the bill to that Committee for consideration.

Your understanding is correct regarding the amendment to section 337 of the Tariff Act of 1930 contained in section 103 of the bill. Representative Coble, Chairman of the Subcommittee on Courts and Intellectual Property of the Committee on the Judiciary, will be offering a manager's amendment which will strike from the bill the portion of section 103 adding a new section 1201(c) to title 17.

Your understanding is also correct regarding the import ban contained in section 103 of the bill. The bill, as reported, applies the ban in compliance with the letter and spirit of U.S. obligations under the World Intellectual Property Organization Treaty.

I appreciate your determination that a markup in the Committee on Ways and Means is unnecessary in light of the foregoing and agree that the absence of such a markup should not prejudice that Committee's jurisdictional prerogative on the measures described in your letter.

I would be pleased to place a copy of your letter, along with this response, in the Congressional Record during floor consideration of H.R. 2281. Thank you for your valuable input and cooperation.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS
July 21, 1998.

HON. HENRY J. HYDE,
Chairman, Judiciary Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing to address certain issues with respect to H.R. 2281, as reported by the Judiciary Committee on May 18, 1998. The bill contains an amendment to section 337 of the Tariff Act of 1930 as well as an import ban, both of which fall within the jurisdiction of the Committee on Ways and Means.

With respect to the amendment to section 337, section 103 of H.R. 2281, as reported by the Judiciary Committee, amends Title 17, United States Code, by adding a new section 1201(c) which makes the importation of any product, service, or technology that is primarily designed to circumvent a technological protection measure subject to action under section 337 of the Tariff Act of 1930. However, the underlying framework of section 1201, in terms of actionable conduct, affected parties, and available remedy, is not compatible with the structure of section 337. In light of this inconsistency, I understand that you will be offering an amendment, as part of a manager's amendment, to strip from the bill the portion of section 103 adding a new section 1201(c) to Title 17.

With respect to the import ban, section 103 of H.R. 2281, as reported by the Judiciary Committee, adds a new section 1201 to Title 17, United States Code, to prohibit the importation of any product, service, or technology that is primarily designed to circumvent a technological protection measure; section 103 also adds a new section 1202 to prohibit the importation of any product that has had its copyright management information removed or altered. Because these import ban provisions fall within the Committee's jurisdiction, the Committee would ordinarily meet to consider the bill. However, the bill, as reported, applies the ban in compliance with the letter and spirit of U.S. obligations under the World Intellectual Property Organization treaty.

Based on your assurance to this effect, and in order to expedite consideration of this legislation, I do not believe that a markup by the Committee on Ways and Means will be

necessary on either of these issues. However, this is only being done with understanding that it does not in any way prejudice the Committee's jurisdictional prerogative on this measure or any other similar legislation, and it should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 2281, and would ask that a copy of our exchange of letters on this matter be included in the record during floor consideration. Thank you for your cooperation and assistance on this matter.

With best personal regards,

BILL ARCHER,
Chairman.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, September 15, 1998, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 16

9:30 a.m.
Foreign Relations
Western Hemisphere, Peace Corps, Narcotics and Terrorism Subcommittee
To hold joint hearings with the United States Senate Caucus on International Narcotics Control to examine anti-drug interdiction efforts.
SH–216

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine the National Cancer Institute's management of radiation studies.
SD–342

Rules and Administration
To hold hearings to examine issues with regard to the proposed renovation of the United States Capitol dome and the Dirksen Senate Office Building.
SR–301

United States Senate Caucus on International Narcotics Control
To hold joint hearings with the Committee on Foreign Relations' Subcommittee on Western Hemisphere, Peace Corps, Narcotics and Terrorism to examine anti-drug interdiction efforts.
SH–216

10:00 a.m.
Rules and Administration
To resume hearings on S. 2288, to provide for the reform and continuing legislative oversight of the production, procurement, dissemination, and permanent public access of the Government's publications.
SR–301

Indian Affairs
Business meeting, to consider pending calendar business; to be followed by a hearing on the nomination of Montie R. Deer, of Kansas, to be Chairman of the National Indian Gaming Commission, Department of the Interior.
SR–485

2:00 p.m.
Environment and Public Works
To hold hearings on S. 1576, to permit the exclusive application of California State regulations regarding reformulated gasoline in certain areas within the State, focusing on the use of methyl tertiary-butyl ether in gasoline.
SD–406

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine a General Accounting Office report on high performance computers.
SD–342

Judiciary
Immigration Subcommittee
To hold oversight hearings on the implementation of the Immigration and Naturalization Service and proposed reform issues.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
Surface Transportation and Merchant Marine Subcommittee
To hold hearings to examine the extent of fatigue of transportation operators in the trucking and rail industries.
SR–253

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

SEPTEMBER 17

9:00 a.m.
Environment and Public Works
To hold hearings on the General Services Administration's fiscal year 1999 capital investment and leasing programs, the fiscal year 1999 courthouse construction requests of the Administrative Office of the United States Courts, and proposed legislation relating to public buildings reform.
SD–406

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Department of Commerce involvement in the transfer of satellite technology to China.
SR–253

Energy and Natural Resources
To hold hearings on the nominations of Gregory H. Friedman, of Colorado, to be Inspector General, Department of Energy, Charles G. Groat, of Texas, to be Director of the United States Geological Survey, Department of the Interior, and T.J. Glauthier, of California, to be Deputy Secretary of Energy.
SD–366

10:00 a.m.
Budget
To hold joint hearings with the Committee on Foreign Relations' Subcommittee on International Operations to examine Department of State management and budget issues.
SD–419

Foreign Relations
International Operations Subcommittee
To hold joint hearings with the Committee on the Budget to examine Department of State management and budget issues.
SD–419

Governmental Affairs
To hold hearings on the nominations of Kenneth Prewitt, of New York, to be Director of the Census, Department of Commerce, and Robert M. Walker, of Tennessee, to be Deputy Director of the Federal Emergency Management Agency.
SD–342

Judiciary
Business meeting, to consider pending calendar business.
SD–226

Labor and Human Resources
To hold hearings to examine professional developments incorporating advances and teaching.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on miscellaneous bills, including S. 1175, S. 1641, S. 1960, S. 2086, S. 2133, S. 2239, S. 2240, S. 2241, S. 2246, S. 2247, S. 2248, S. 2285, S. 2297, S. 2309, S. 2401, and H.R. 2411.
SD–366

SEPTEMBER 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the nominations of Sylvia De Leon, of Texas, Linwood Holton, of Virginia, and Amy M. Rosen, of New Jersey, each to be a Member of the Reform Board (AMTRAK).
SR–253

10:00 a.m.
Veterans' Affairs
To hold hearings to examine the quality of care in the VA health care system.
SR–418

SEPTEMBER 23

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine public and private forestry issues.
SR–328A

Indian Affairs
Business meeting, to consider pending calendar business; to be followed by a hearing on H.R. 1833, to amend the Indian Self-Determination and Education Assistance Act to provide for further self-governance by Indian tribes.
SD–562

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine United States commercial space launch industry activities.
SR–253

SEPTEMBER 24

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.
SD–342

10:00 a.m.
Energy and Natural Resources
To hold oversight hearings to examine recent Midwest electricity price spikes.
SD–366

SEPTEMBER 25

9:30 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to examine the safety of food imports, focusing on legislative, administrative and regulatory remedies.
SD–342

SEPTEMBER 29

10:00 a.m.
Armed Services
To hold hearings to examine the status of United States military forces and their ability to successfully execute the National Military Strategy.
SH–216

SEPTEMBER 30

9:00 a.m.
Indian Affairs
To hold hearings on H.R. 1805, to amend the Auburn Indian Resoration act to establish restrictions related to gaming on and use of land held in trust for the United Auburn Indian Community of the Auburn Rancheria of California, and S. 2010, to provide for business development and trade promotion for Native Americans.
SR–485

OCTOBER 1

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the Forest Service cabin fees.
SD–366

OCTOBER 6

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs on the legislative recommendations of the American Legion.
345 Cannon Building

CANCELLATIONS

SEPTEMBER 24

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1372, to provide for the protection of farmland at the Point Reyes National Seashore in California.
SD–366