SENATE—*Tuesday, September 15, 1998*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Dear Father, the psalmist's words serve as our motto for today. "This is the day which the Lord has made. I will rejoice and be glad in it."—Ps. 118:24. You have all authority in heaven and on earth. You are sovereign Lord of our lives and of our Nation. We submit to Your authority. We seek to serve You together here in this Chamber and in the offices that work to help make the Senators' deliberations run smoothly. We commit to You all that we do and say this day.

Make it a productive day for the Senators. Give them positive attitudes that exude hope. In each difficult impasse, help them seek Your guidance. Draw them closer to You so that, in Your presence, they can rediscover that, in spite of differences in particulars, they are here to serve You and our beloved Nation together. In our Lord and Saviour's Name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. HUTCHINSON. Mr. President, this morning the Senate will be in a period of morning business until 10 a.m. Following morning business, the Senate will resume consideration of the Interior appropriations bill, with Senator Bumpers being recognized to offer an amendment related to mining.

The Senate will recess from 12:30 until 2:15 to allow the weekly party conferences to meet. Following the conferences there will be 10 minutes for closing remarks in relation to the Bumpers amendment. At the expiration of that time, approximately 2:25 p.m., the Senate will proceed to a vote on or in relation to the amendment.

Following that vote, the Senate will continue consideration of the Interior bill. Members are encouraged to offer and debate amendments during Tuesday afternoon's session so the Senate can make good progress on the Interior bill. The Senate may also consider any other legislative or executive items cleared for action.

I thank my colleagues for their attention.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business. The distinguished Senator from Massachusetts, Senator KENNEDY, is recognized.

Mr. KENNEDY. Mr. President, we are in morning business. The amount of time has not been designated, but I yield myself 6 minutes. Then, if there are others from our side who wanted to speak, we would move ahead, if that is agreeable.

Mr. MURKOWSKI addressed the Chair.

Mr. KENNEDY. I am glad to yield to the Senator from Alaska.

Mr. MURKOWSKI. From the standpoint of procedure, I would be pleased if I could be recognized after the distinguished Senators who are seeking recognition. Senator KENNEDY is. Is the Senator from California seeking recognition?

My point is, if I could be third after her?

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

THE SURPLUS IS SOCIAL SECURITY

Mr. KENNEDY. Mr. President, the proposals by House Republican leaders to spend a major portion of the projected budget surplus on tax cuts for the wealthiest citizens gives new meaning to the word "irresponsible." Any such cut would rob Social Security recipients of the retirement benefits they have earned and deserve. Yet the House Republicans want to spend this "surplus" before it even materializes, in an election eve vote-buying scheme of massive proportions. Every Senator on both sides of the aisle who is serious about preserving Social Security for future generations has a duty to reject these outrageous proposals.

Before we spend it, wouldn't it be wise to at least ask where this projected surplus comes from? The answer is clear—and shocking in its meaning. Ninety-eight percent of the ten-year surplus projected by the Congressional Budget Office comes from the Social Security Trust Fund. The issue is not whether we should use the surplus to "save Social Security," the surplus is Social Security. Using those dollars to pay for anything other than retirement benefits for future Social Security recipients would be an act of political grand larceny. The victims would be those hard-working men and women who are counting on Social Security to protect them in their retirement years.

The term "surplus," as it is used in the budget debate, means only that the total amount of revenue received by the Federal Government in a particular year exceeds the total amount that the government will spend in that year. In the current fiscal year, for the first time since 1969, the Federal Government will take in more dollars than it spends. But this so-called "surplus" does not take into consideration any future financial obligations of the Government, such as the obligation to pay Social Security benefits to retirees in the future. The surplus is not extra money which Congress can spend on any worthy cause. It is money which must be set aside to pay those future obligations.

The overall surplus is equal to the surplus in the Social Security Trust Fund minus the deficit in the rest of the government. When Social Security reserves are removed from the calculation, the surpluses over the next seven years evaporate. Budget deficits continue through fiscal year 2001, followed by four years of roughly balanced non-Social Security budgets. Not until 2006 does any meaningful surplus appear without counting Social Security reserves.

The Congressional Budget Office has projected a surplus of $1.55 trillion over the next ten years. Of that amount, $1.52 trillion—98%—is Social Security reserves, which consist of the payroll tax payments made by employees and employers during the next decade and interest earned on Social Security Trust Fund during that period.

Every one of those dollars will be needed to honor our commitment to future retirees. Only $31 billion of the ten year projected surplus—an average of $3 billion a year—is not already committed to meeting future Social Security obligations, and that amount could easily disappear with only a slight shift in the economy.

A $520 billion surplus is projected over the next five years, and it is composed entirely of Social Security reserves. In fact, if Social Security reserves are not included, there would actually be a deficit of $137 billion during this period. There is no surplus for Congress to spend over the next five years—none at all.

Despite these facts, House Republican leaders repeatedly call for using a major portion of this so-called surplus for tax cuts. Originally, they proposed that half the surplus—over $700 billion—be spent on tax cuts. These Republicans had the gall to brag that they would devote the other half to Social Security. Majority Leader DICK

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

ARMEY boasted that this is "a big, big step in the direction of saving Social Security." Nonsense. Congressman ARMEY's suggestion is the equivalent of a banker embezzling half the money he was entrusted with, and boasting that he did not steal it all.

Now we hear from Speaker GINGRICH that House Republicans will only seek a tax cut of $70 to $80 billion this year, but intend to pass a much larger one next spring. He acknowledged that "virtually all of it" would be paid for with dollars taken from the surplus. The intent of these Republican schemes is clear—it is to rob Social Security in order to pay for tax cuts going disproportionately to the wealthiest citizens.

Whether the Republicans take one giant bite, or several smaller ones, out of the surplus, the result will be the same—a dramatic weakening of Social Security. The entire $1.52 trillion belongs to the Social Security Trust Fund. It is being raised to pay for retirement benefits—and any diversion of any portion of those funds is wrong.

Congressman KASICH, the House Budget Chairman, offered an interesting variation on this Republican theme. He has suggested that the interest earned on reserves in the Social Security Trust Fund does not belong to Social Security, and should be used to finance tax cuts. That too is absurd. "I only stole the interest" is hardly a legitimate defense for a person charged with embezzlement.

The interest earned on the reserves is clearly part of the Social Security Trust Fund, just as interest earned by a private citizen's bank account is part of that account and part of the citizen's income. All of the reports issued by the Social Security actuaries on the state of Social Security finances reflect these interest earnings. Pension funds, bank accounts, and other assets earn interest, and so does the Social Security Trust Fund. Using the interest earned on the Social Security Trust Funds to finance tax cuts would consume hundreds of billions of dollars that otherwise will be used to help restore the financial integrity of Social Security over the long term. If the interest earnings are removed from the trust fund, Social Security's financial problems would become much greater.

If Social Security reserves are not available for the Trust Fund in the future because they have been used to pay for tax cuts, then it is clear that benefit cuts or large payroll tax increases will be inevitable for Social Security. What we call the "surplus" is actually dollars raised expressly for the purpose of paying Social Security benefits to the men and women of the baby boom generation when they retire. Every dollar which we divert today to finance irresponsible tax cut schemes will only expand the gap between the future retirement benefits owed by Social Security and the resources available to meet those obligations.

Social Security is fundamentally sound. Unless Congress makes the current problems worse, harsh benefit cuts will not be necessary to insure its long-term solvency. It is essential that the current benefit structure be preserved. For two-thirds of our senior citizens, Social Security benefits represent more than half of their annual income. Social Security has dramatically reduced the poverty rate among older Americans. We cannot allow that guaranteed benefit to be undermined. No action by Congress would threaten those benefits more than recklessly spending a large portion of the Social Security Trust Fund for irresponsible tax cuts.

The surplus belongs to Social Security—all $1.5 trillion of it. We are not free to spend it for other purposes. The Republican assault on Social Security is unconscionable. We must preserve it for future generations, not spend it recklessly on tax cuts now.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator only has 7½ minutes.

Mrs. FEINSTEIN. I will try to do it in 7½ minutes. I thank the Chair.

GAO STUDIES FIND MAJOR PROBLEMS WITH CUSTOMS' ANTI-DRUG ENFORCEMENT PROGRAMS

Mrs. FEINSTEIN. Mr. President, I rise to bring this body's attention to a number of very serious problems that have now been documented in the U.S. Customs Service's drug enforcement efforts at ports of entry on the Southwest Border.

Back in March 1996, I asked the General Accounting Office to investigate the continuing influx of drugs entering our country across the border with Mexico, and the inability or unwillingness of the Customs Service to effectively address the problem. I was especially concerned about reports that trucks loaded with drugs were coming into the country without inspection by Customs.

The investigation by the GAO over the past 18 months has now confirmed my long-standing concerns that there are major weaknesses in several Customs' programs that were supposed to help separate so-called "low-risk" Mexican cargo shipments from those that are of higher drug smuggling risk.

These programs were intended to help expedite the processing of cargo by companies with no previous involvement in narcotics smuggling, which had been thoroughly checked so authorities could focus on other shipments considered to be of significant risk of drug smuggling.

The problems uncovered by the GAO's 18-month investigation are, by themselves, cause of serious concern. But what is also disturbing, is that the flow of large amounts of drugs through our ports of entry has apparently continued even while the GAO was conducting its research.

Four reports in all have been issued by the GAO:

Customs Service: Information on Southwest Border Drug Enforcement Operations (GAO/GGD-97-173R, Sept. 30, 1997).

Customs Service: Process for Estimating and Allocating Inspectional Personnel (GAO/GGD-98-107, April 30, 1998).

Customs Service: Drug Interdiction: Internal Control Weaknesses and Other Concerns With Low-Risk Cargo Entry Programs (GAO/GGD-98-175, July 31, 1998).

Customs Service: Internal Control Weaknesses Over Deletion of Certain Law Enforcement Records (GAO/GGD-98-187, August 21, 1998)

The August 1998 report was particularly troubling and I sent a letter to Treasury Secretary Robert Rubin on August 17, 1998, asking for his response. To date, I have not heard back from him. I am also including a copy of this letter in the record.

The problems identified in Customs' drug enforcement efforts at three cargo inspection facilities (Loredo, Texas; Nogales, Arizona; and Otay Mesa, California) have been occurring during a time when the North American Free Trade Agreement has stimulated significant increases in commercial trade.

The increased trade generated by NAFTA has resulted in significant expansion of opportunities for drug trafficking organizations. This is largely because of the excellent "cover" commercial trade activity provides, according to a report issued by Operation Alliance, a federally sponsored drug enforcement coordinating agency in El Paso.

The Operation Alliance Report clearly describes the ways in which drug smugglers are exploiting increased trade. Let me cite just a few examples of how drug traffickers are taking advantage of the increased trade generated by NAFTA:

Traffickers are making extensive use of "legitimate" systems for moving drugs into the United States by becoming thoroughly familiar with Customs documents, procedures and processes.

Traffickers are also becoming involved with well-known legitimate trucking firms that would be less likely targets of law enforcement scrutiny.

Known drug traffickers are also involved as owners or controlling parties in other commercial trade-related businesses to assist in the storage and transportation of drugs, such as semi-

trailer manufacturing companies, railroad systems, factories, distributing companies and warehouses.

Some traffickers have sought trade consultants to determine what merchandise moves most quickly across the border under NAFTA rules.

Against this backdrop of traffickers exploiting legitimate means of transporting cargo across the border for their own illicit smuggling operations, we now have the GAO finding disturbing evidence of problems in Customs' drug enforcement efforts.

Problems found by the GAO include:

Internal control weaknesses in a program known as "Line Release," intended to identify and separate "low-risk" shipments from those with apparently higher smuggling risk. These flaws at all three of the above-mentioned border crossings are seriously jeopardizing the security of the program.

Incomplete documentation of screening and review of applicants at Otay Mesa, as well as Nogales.

Lost or misplaced Line Release application files and background checklists that served as support for approving applications. Otay Mesa officials were unable to locate 15 of 46 background checklists in the Line Release program.

No recertification requirement for companies already approved for the Line Release Program to ensure that the participants remained a low risk for drug smuggling. (The Otay Mesa Port did recertify participants on the basis of their shipping volume criteria, but does not recheck those same companies for their compliance or perform follow-up background checks, the GAO said.)

A lack of documentation of supervisory reviews and approval of decisions.

Mr. President, given these problems in a program whose intent was to expedite crossing of low-risk shipments so more enforcement attention could be focused on high-risk shipments, the effectiveness of the Line Release program is called into question.

Moreover, the GAO found that Customs officials themselves have little confidence in the "Three Tier Targets" concept, another enforcement initiative implemented in 1992, which was supposed to help identify low- and high-risk shipments so inspectors could focus their attention on suspect shipments.

Under the program, Customs headquarters identified how cargo shipments would be divided into three-tier categories, but allowed the ports of entry to develop their own procedures for assigning risk.

The GAO found that this program does not work because there is insufficient information in the Customs' database for researching foreign manufacturers. What this means is that the reliability of the risk designations, which range from "little risk" for narcotics smuggling to a "significant risk," are questionable and therefore unreliable.

The GAO report noted that some inspectors (at Laredo) were "more suspicious of shipments classified as low risk because they had doubts about the reliability of the tier designations." Such doubts could lead to a self-defeating exercise in which inspectors checked more low-risk shipments instead of focusing their attention on high-risk shipments, the GAO said.

Although I have cited only a few of the numerous problems and concerns identified in the GAO reports dealing with low-risk cargo entry programs, they are sufficient to raise serious doubts about the effectiveness of Customs' drug enforcement efforts at our Southwestern Border Ports of Entry.

But, unfortunately, there is more.

The GAO also found significant internal control problems with a Treasury Enforcement Communications System, which is used to compile lookout data for law enforcement purposes, including identification of persons and vehicles suspected of drug smuggling.

The system is used by more than 20 federal agencies, including the INS, DEA, IRS and Bureau of Alcohol, Tobacco and Firearms. However, Customs did not have adequate controls over deletion of records from the system and Customs' guidance for its use does not follow standards set by the Comptroller General, and which renders it vulnerable to deletion of data without checks and balances by management.

The bottom line: this could result in cargo shipments being expedited when they in fact should be stopped and searched.

In addition to communications problems, and the previously cited weaknesses in the Line Release and Three-Tier Targeting program, the GAO also found problems with the processes for estimating and allocating inspection personnel at the ports.

For example, under the current Customs' employees union contracts, inspectors can only be moved to new sites if they volunteer, which I find quite surprising.

The GAO report also found that inconsistent practices in the agency's personnel decision-making processes could prevent Customs from accurately estimating the need for inspector personnel and allocating them to ports. This inability to quickly allocate resources to where they are needed most is just another hindrance in our drug interdiction efforts at the border.

Mr. President, the problems go on and on. It's an alarming situation that demonstrates the Southwest Border is still, without question, ground zero in U.S. drug interdiction efforts.

More than 70% of the cocaine and other narcotics entering this country come across our Southwest border. In fact, narcotics intelligence officials continue to warn that an estimated 5 to 7 tons of cocaine enters this country every single day of the year.

In the last two years, Congress has authorized more than $100 million for 650 additional inspectors and state-of-the-art technologies along the Southwest border. The President's budget in FY1999 calls for an additional $104 million for Southwest Border drug interdiction efforts.

Despite our best efforts and constant drum beat by Members of Congress, including myself, to try to tighten Customs' drug enforcement efforts, little progress has been made.

Trucks are still getting through our ports of entry with their loads of illicit drugs concealed in cargo ranging from electronics components to vegetables, or in false compartments built into the trucks.

For example, one of the largest cocaine seizures ever made in California's Imperial County occurred last November when Border Patrol agents found 835 pounds of the drug concealed in a tractor trailer rig of Mexican registry at a highway checkpoint about 50 miles north of the border. (Source: U.S. Border Patrol.)

The next month Border Patrol agents seized 474 pounds of marijuana in another truck of Mexican registry in Calexico, CA., across the border from Mexicali, Mexico. (Source: U.S. Border Patrol)

At the Otay Mesa Cargo Inspection facility, there have been 24 seizures within the last year of drugs found concealed in trucks and trailers, including those of two Line Release participants. (Source: information provided San Diego District Office by a Customs inspector.)

And, in August of 1997, the New York Times News Service reported the following:

> For nearly a year, 18-wheel trailer trucks, driven by experienced truckers recruited in Michigan, have been rolling north from the Mexican border to New York, delivering tons of concealed cocaine and marijuana and carrying back millions of dollars in illegal drug profits.

Authorities said the trucks were dispatched by Mexico's most powerful drug-trafficking syndicate, once headed by the late Amado Carillo Fuentes.

A parallel investigation discovered the smuggling of at least 1.5 tons of cocaine a month in crates of fruits and vegetables from Mexico, according to the New York Times Service article.

One wonders if these cocaine-laden vegetable shipments were routinely passed through by border inspectors month after month because they were part of the Line Release or other Customs' programs that had classified the shipments as low-risk for drug smuggling.

More than once, officials at Customs have told me that not only is it impossible to increase inspection of trucks

and cars entering our borders, but that it is not really necessary. Customs is relying on its sophisticated technology, including electronic technology, random searches, and Customs' vast intelligence operations, to stop the drug smugglers.

But the fact is, while Customs is having internal control problems, the drug traffickers have developed detailed knowledge and profiles of our port operations, and are using the "cover" that legitimate commercial trade activity provides to penetrate our borders and smuggle drugs.

Additionally, the "random" searches that I have heard so much about are supposed to keep traffickers trembling in their "big-rigs." But they have become so predictable that, as Customs has previously told my staff: "traffickers know what cargo, conveyances, or passengers we inspect, how many of those conveyances are checked on an average day, what lanes we work harder, and what lanes are more accessible for smuggling."

Mr. President, I know how difficult this task is, and I want to commend the extremely hard working men and women of the United States Customs Service, but the impact of Customs' internal control problems have dire consequences in our fight against drugs in our cities and in our rural areas.

But without effective internal controls over the Line Release program, the Three-tier risk program and other enforcement initiatives cited by the GAO, Customs' ability to detect drug smugglers and to interdict drugs at the border is seriously jeopardized.

Mr. President, we must address the Customs' internal control problems now. We need to fix the problems before authorizing any additional programs that would further complicate our drug interdiction efforts at the border.

As the ranking member of the Technology Terrorism Subcommittee on the Judiciary Committee, I hope to work with the Chairman of the Subcommittee to hold hearings on the issues raised by the GAO reports so that we can fully understand the problem and identify a long-term solution.

I will work with the distinguished chairman of the Judiciary Committee to identify a way for such hearings to be held without delay.

Mr. President, I ask unanimous consent that my letters to GAO and to Secretary Rubin be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, August 17, 1998.

Hon. ROBERT RUBIN,
Department of Treasury,
Washington DC.

DEAR SECRETARY RUBIN: I am writing to ask that you review and respond to the weaknesses outlined in the enclosed recent GAO study of Customs Services' drug interdiction and enforcement programs along the Southwest border.

The GAO study clearly indicates problems with the current drug enforcement operations along the Southwest border, particularly the Line Release program and the Three Tier Targeting Program.

The Line Release Program has weak internal controls. As you may know, the Line Release program was created in 1986 on the northern border and in 1989 on the southern border to expedite shipments of those brokers, importers and manufacturers who Customs considered a low risk for drug smuggling based on specific guidelines set by the Customs's Line Release Quality Standards.

Of the three ports studied—Otay Mesa, CA, Laredo, TX and Nogales, AZ—GAO identified one or more internal weaknesses in the Line Release program as implemented at all of the ports, seriously jeopardizing the security of the program against drug smugglers.

The internal control weaknesses found by the GAO include: lack of specific criteria for determining applicant eligibility at Nogales and Laredo; incomplete documentation of screening and review of applicants at Otay Mesa and Nogales; lack of documentation of supervisory reviews and approval of decisions; lost or misplaced application files and background checklists; (For instance, Nogales officials were unable to locate 2 of 7 applications for companies currently using the Line Release program, and could only locate 1 of 7 Line Release checklists identified with the applications on file. Otay Mesa officials were unable to locate 15 of 46 background checklists in the Line Release program.); and no recertification requirement under the Code of Federal Regulations or Customs' implementing guidelines for companies already approved for the Line Release Program despite the fact that without recertification, there is no assurance that the participants remain a low risk for drug smuggling.

All three ports have little confidence in the Three Tier Targeting Program. The Three Tier Program allows Customs to classify shipments into three tiers—little risk, unknown degree of risk and significant risk—giving expedited treatment for those shipments considered "low risk". GAO reports that officials from all three ports agreed that this program is not effective in distinguishing low to high risk shipments since little information is in the database to research foreign manufacturers and the reliability of the risk designations are questionable. For instance, narcotics seizures have been made from "low risk" shipments.

GAO recommendations. The GAO report recommends that Customs strengthen internal control procedures for the Line Release application and review process and that Customs suspend the Three Tier Program until more comprehensive data is available for Customs to make risk assessments and give expedited entry into the U.S. Furthermore, GAO suggests evaluating the effectiveness and efficiency of pilot programs such as the Prefile program and the Automated Targeting System being tested at Laredo before expanding the program further.

As you know, drug smuggling is an ongoing problem for border states like California. I know you share my concern in facilitating the flow of legitimate cargo into the United States without jeopardizing our enforcement abilities against illegal drug smuggling. I would appreciate your response on the problems outlined by GAO as quickly as possible.

With warmest personal regards,
Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

U.S. SENATE,
Washington, DC, March 6, 1996.

CHARLES A. BOWSHER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR COMPTROLLER GENERAL BOWSHER: I am alarmed at the continuing influx of drugs entering our country across the border with Mexico, and at the inability or unwillingness of the United States Customs Service to effective address this problem.

Mexico is a dominant source of drugs entering our country:

75 percent of the cocaine in the United States comes here through Mexico, according to the Drug Enforcement Administration (DEA).

70 to 80 percent of all foreign-grown marijuana enters the U.S. from Mexico, according to the Boston Globe.

90 percent of the precursor chemical ephedrine, used to manufacture the rapidly-escalating problem drug methamphetamine, comes through Mexico, according to the DEA.

Colombian drug cartels are using Mexico as a safe haven to store as much as 70 to 100 tons of cocaine to be smuggled into the U.S., according to the DEA.

Yet, faced with a problem of this magnitude, the Customs Service, a critical enforcement agency at the Mexican border, has been surprisingly and disappointingly ineffective.

Last year, the Los Angeles Times reported that not one pound of cocaine was seized from trucks at three of the busiest ports of entry on the Southwest border in 1994.

Despite the alarm which I expressed at this fact, and my calls for corrective action, reporters from the Los Angeles Times have told my staff that, according to sources at Customs, this continued unabated in 1995, with no cocaine seizures being made from trucks at Otay Mesa, Brownsville, El Paso, and Laredo, four of the busiest ports. The Customs Service has not yet responded to my staff's requests to verify this fact.

The Washington Post reported that cargo trucks, along with ships, are considered a primary means of smuggling large amounts of narcotics into the United States.

In 1993, the then-District Director of the Customs Service may have prevented investigators from the Inspector-General's office from conducting a surprise inspection of the "line release" program at the southwest border, an investigation aimed at determining whether unauthorized trucks, potentially carrying drugs, were allowed to cross the border without inspection.

The news program "Dateline: NBC" recently filmed more than 35 trucks in just four hours of surveillance belonging to companies on Customs' "watch list" for drug smuggling rolling right through Customs, without being inspected.

It has been reported that the organization of recently-arrested Mexican drug kingpin Juan Garcia Abrego has paid millions of dollars to U.S. and Mexican law enforcement officers. It seems inevitable that a substantial portion of that money has gone to Customs officials, as they are responsible for intercepting drugs at the ports of entry along the Mexican border.

As a Customs supervisor told the Washington Post, "Tons and tons of cocaine are crossing the border, and we're getting very little of it."

The current pattern of drug flow and drug enforcement into and within this country must be changed. To better understand how federal law enforcement approaches these problems and the efficacy of federal programs to curtail drugs, I am officially asking the General Accounting Office to investigate drug enforcement by the Customs Service.

To target your resources, I ask that you focus initially on evaluating the Customs Service's drug enforcement operations at Otay Mesa. After you have evaluated Otay Mesa, I would like to work with you to broaden this inquiry to the rest of the Southwest border. Specifically, I would appreciate your addressing the following questions regarding Otay mesa:

Does the Commissioner of Customs provide clear direction to Customs personnel regarding Customs' drug enforcement mission?

How have Customs' drug enforcement efforts been, or how will they be, affected by their programs to facilitate trade and passenger movement, including but not limited to: line release; re-engineering primary passenger processing; and expanded access by Mexican trucks to the U.S. pursuant to the North American Free Trade Agreement (NAFTA)?

How have the percentage rates of inspections of trucks, cars, and ships by Customs changed over the last three years?

What increases in border crossings by trucks, cars and ships does Customs expect over the next several years? Does Customs have a reasonable basis for the projections it has made? If Customs has not made such projections, why haven't they, and was any consideration given to making them?

Has Customs made adequate plans to meet any expected increases in such border crossings?

What is the basis for Customs' allocation of personnel resources for carrying out their drug enforcement responsibilities? Is this basis reasonable? Have Customs' actual allocations of personnel matched their projections?

What are Customs' processes for training their personnel in their drug enforcement responsibilities?

Why are trucks on Customs' "watch list" passing through without inspection? Is it human error, corruption, systematic flaws, or something else, and in any case what is necessary to fix this? Do Customs personnel actually implement, on an operational level, what Customs' law enforcement plans describe that they do?

Is the Los Angeles Times report that there were no cocaine seizures from trucks at three or four of the busiest ports of entry on the Southwest border in 1994 and 1995 accurate, and, if so, what accounts for this?

Is Customs following up and adequately using the intelligence which they gather?

How vulnerable are Customs' communication systems to penetration by drug smugglers?

What steps are Customs taking to address the problem of "spotters" (individuals who linger around ports of entry, radioing inspection patterns to smugglers on the other side of the border)? How are these steps working?

How are the Cargo search x-ray machines performing?

It is imperative that we get to the bottom of the problems at Customs, and I appreciate your assistance in this regard.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank the Chair. As I understand it, we are in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. I ask unanimous consent I be allowed to speak for up to 5 minutes.

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

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the submission of (S. Res. 276) are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

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

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

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

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

The Senate resumed consideration of the bill.

Pending:

Daschle amendment No. 3581, to provide emergency assistance to agricultural producers.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized to offer an amendment relating to mining with the time until 12:30 p.m. to be equally divided in the usual form.

The Senator from Arkansas is recognized.

Mr. BUMPERS. Madam President, my colleagues will be greatly relieved with my departure at the end of this year because they won't have to listen to this debate anymore. They may have to listen to it again, but not from me.

This amendment arises from a situation which really began last year, Madam President. In order to set the stage for it, I direct my colleagues' attention to this chart here. But before doing so, let me just say that we had what I thought was a solemn agreement last year on this same issue. I won't say it was a handshake contract, but last year the Interior appropriations bill contained a provision that was added in the committee markup, which said the Secretary of the Interior may not promulgate new regulations for the mining of hard rock minerals on Federal lands until every Governor of 11 Western States had individually agreed to it.

In 1976 we passed FLPMA, an acronym for Federal Lands Policy Management Act, it was my second year in the Senate when we passed that, but I was very active in the negotiations and passage of that bill. It was a comprehensive bill that determined how all Bureau of Land Management lands would be handled. In it we said that the Secretary of the Interior is charged with the responsibility of ensuring that on Bureau lands, no unnecessary and undue degradation would occur.

Now, as my friend, the Governor of Florida, Lawton Chiles, who used to be our colleague, used to say on this floor, "The mother tongue is English." You cannot say it any better in English than to say the Secretary is hereby charged with the responsibility for making certain that there is no undue, unnecessary degradation of Federal lands.

We have about 450 million acres of Federal lands, and an awful lot of it is eligible to be mined for various hardrock minerals, notably gold, platinum, silver, zinc, lead, you name it. So in 1980, the Secretary issued regulations to comply with FLPMA and in 1981 they were finalized and went into effect. Everybody applauded and said it is wonderful. Now we have regulations in place that will govern mining companies.

What brought these regulations about? It was the first time we had ever tried to regulate mining on Federal lands. Why did we do it? Because at that very moment, there were 557,000 abandoned mines in this country. Who do you think had been left with the pleasure of cleaning up those 557,000 abandoned mines? You guessed it—"Uncle Sucker." The cleanup costs, according to the Mineral Policy Center, for those 557,000 mine sites is calculated to be between $32.7 billion and $71.5 billion. Within the 557,000 abandoned mines, 59 of those are now Superfund sites. We don't put things on the Superfund list just for fun. That is a big-time environmental disaster. In addition to 59 Superfund sites, we have 12,000 miles of rivers that have been polluted by mining waste, and we have 2,000 national park sites in need of reclamation.

Now, think of that. We have 2,000 mine sites within the national parks that have to be reclaimed. And because it took the Nation too long to wake up

to the environmental damage that was being done by mining in this country, this damage had already occurred when we passed FLPMA in 1976 saying the Secretary will promulgate regulations to make sure that not only this comes to an end, but that it never happens again. So we gave the Secretary regulatory authority.

In 1981, those rules went into effect. Let me make one point, and I will make it more than once in this debate. The mining of gold in this country is done nowadays primarily with the use of cyanide. Cyanide is a lethal chemical.

Now, Madam President, in 1991, George Bush was President, a conservative Republican administration. Because this new technique of mining with cyanide had gone into effect and there were several mines which had caused cyanide to leak into the streams and rivers around it and into the underground water supply, the environmentalists were squealing like pigs under a gate.

So, in 1991, the Bush administration, through Secretary Lujan, came out with a study to develop new regulations to take care of these new environmental problems. But because in 1993 we were trying to reform the whole mining law, everybody said, "Well, we have got this whole law we are going to reform," so the Interior Department decided to suspend the work on revising the regulations. Unfortunately, in 1994, the Western Senators were able to kill the mining law reform legislation that was pending in Congress.

As a result, last year, Bruce Babbitt, the all-time favorite whipping boy of the West, said he, as Secretary of the Interior, was going to honor FLPMA as it was written, and that is to make sure there is no unnecessary and undue degradation of the public lands. So he reinitiated the process begun in the Bush Administration to revise the mining regulations in order to attempt to prevent environmental disasters, such as the leak of cyanide into the rivers, streams and underground water supplies. So Senator REID of Nevada, in the appropriations subcommittee last year added a provision which would have prohibited the Secretary from promulgating these rules unless all of the Western Governors consented.

The provision, as it was drafted, was patently clear. It simply meant that each Western Governors had veto power over the revised regulations. That was, obviously, a little too much, even for some of my friends in the West, to stomach.

So Senator REID and I worked together in good faith and mutual friendship and respect on both sides. We amended that language to say that the Secretary will consult with all the Governors of the West. After he has done so, he will certify to the Congress that he has consulted with all of the Western Governors. He maintained that he had already done that, but they disagreed with that. So we required consultation in the amendment. That is the path we adopted last year.

We also put a time schedule in there so that the Secretary could continue to work on the regulations, and he could promulgate the regulations after November 15. The deal was done. It will be done after the election. Nobody will be hurt politically. The only thing wrong with that is this year—1998—when the bill comes out of the appropriations subcommittee, the deal was reneged upon.

What is the new requirement? The new provision states that the Secretary could not promulgate these regulations until the National Academy of Sciences has studied it for 27 months. Next year, it will be the National Institutes of Health. God knows, the next year it will probably be the National Organization for Women—anything to keep these regulations from going into effect.

Make no mistake about what we are talking about. Everybody understands it. Under the provision that is in the bill this year, which I am proposing with this amendment to strike, guess what the timetable is. It will now take 27 months for the National Academy of Sciences to study it and to report it and the Secretary to consider it and do whatever he is going to do—27 more months, over 2 years, of continuing to sock the taxpayers of America with the foibles of the mining industry. I will come back to some of those foibles in just a moment and tell the American taxpayers what they are paying for right now.

Why 27 months? You know, if you are a U.S. Senator, and if you paid any attention at all—you don't have to have a picture drawn for you—27 months takes us past the year 2000. So we go past the election in the year 2000, and all of my friends who are going to come in here and vote against my proposal today hopefully will elect a President of a different persuasion who will bring James Watt back as our Secretary of the Interior.

That is the politics of the issue. It is not pleasant to talk about things like that on the floor of the Senate. But there isn't a single Senator here today who is going to vote who doesn't understand precisely what it is about. Every Senator who votes against my amendment is going to know in spades that he is voting to continue to allow mining companies to mine on Federal lands with virtually no regulations to guide them, being able to put up an insufficient bond, and when they take bankruptcy and go south again, will leave the taxpayers of America to pick up the tab. I don't know how I can put it any plainer than that.

Madam President, let me be just a little bit more dramatic, a little bit more graphic about why the anti-environmental rider in this bill should be taken out.

I want you to bear in mind, last year we postponed it until November 15. If my amendment is not adopted, that takes us down well past November. It takes us into about January 2001; and more and more environmental degradation, more rivers and streams polluted, more mining companies taking bankruptcy and heading south with an insufficient bond.

That is for what you are going to be voting. For all of those who are running for reelection this year, when you go home and your opponent says, "Why did you vote against putting some regulations in to regulate the use of cyanide to keep it from going into our underground aquifers and our rivers and streams; why did you vote to continue that," I would like to hear your answer.

But just to give the taxpayers of America some information, if not my colleagues who are not here this morning, in 1992, Galactic Resources, the owner of the Summitville Mine in Colorado, took bankruptcy. They left cyanide, acid, and metal runoff going into the underground aquifers and the Alamosa River. Do you know what has happened since then? The taxpayers of this country are paying over $1 million a year to try to contain cyanide and acid runoff from that mine, not Galactic Resources.

The Summitville mine took bankruptcy and went south. That was in 1992. The reason they were able to create an environmental disaster in the State of Colorado is because Colorado's bonding regulations were insufficient. Federal regulations are similarly flawed. We have constantly postponed new regulations, and the regulations we were operating with were promulgated in 1981, and in 1981 we didn't even know about cyanide poison being used in the mining process. Secretary Babbitt is trying his best to promulgate rules and regulations to make sure there will be no more Summitville mines.

So when people come walking onto the Senate floor to vote on this amendment, remember, you get to go home and tell your constituents that they are picking up a million-dollar tab a year because we do not have regulations to control gold mining in this country.

Now we have a brand new one in Montana. Pegasus Gold Company, which has filed for bankruptcy recently closed the Zortman-Landusky mine on BLM and private land in Montana. They have filed for bankruptcy. Cyanide spills all over the place. And who do you think is going to get to pick up the shortage on their bond? The taxpayers of America.

And here is one, to be totally fair about it, that is not on Federal land,

the Gilt Edge mine in South Dakota, another 1998 matter. They had cyanide leaks in the ground water, acid mine drainage, and they are in financial difficulty. And if they take bankruptcy, it is estimated that their bond will pay about 50 percent of the cost of cleaning up that mess.

The regulations that we are talking about trying to get promulgated to stop this outrage are not just to stop the use of cyanide. We are not trying to stop the use of cyanide. We are trying to make them use it in a way that we know the plastic cover on the ground is strong enough to not break and leak. But the second thing we are talking about is making them put up a sufficient bond; in case they do have a spillage, in case they do go broke, the taxpayers will not be left with it.

The reason I use Gilt Edge is not because they are mining on Federal lands but because they are proposing to extend their operations onto National Forest land.

So since 1976 we have been trying to stop mining companies from mining in an improper way, leaving the taxpayers with the tab. We have been trying a lot of other things without success. But if I were speaking on national television to 268 million people in America and all the adults were listening, how many votes do you think I would get? About 90 percent of the American people. But, unhappily, I am not speaking to 268 million Americans. Lord, how I wish I were; I feel supremely confident as to how the American people would feel about this.

So, Madam President, let me go back and make one other point and then I will allow some of my adversaries to have their say.

Let me describe for you how gold is mined today under modern methods. First of all, you have to dig up the earth. You dig up huge, cavernous amounts of soil that supposedly has gold in it. You bring the soil into the mine site, where huge plastic covers have been laid out on the ground, and you dump this soil on this plastic cover that covers the ground and presumably will hold any fluid or liquids that you put through this dirt. Huge pits. You ought to see them. They look like abandoned strip mining sites. But this modern method that I talked about is new, brand new, and is causing all the damage that we need regulations to control.

Then they use a drip process along the top of this big mound of dirt where this cyanide drips through, and it seeps down through this huge pile of dirt. The gold is attracted to this cyanide solution. Then it pours out on the side into sort of a gutter, where the gold is strained out of it and the cyanide is recycled and once again put through this drip process. It is like a drip irrigation system.

Now, the first thing you have to do is understand how lethal cyanide is, and the second thing you have to understand is that the reason some of these spills occur is that the plastic liners leak. Think about how ominous it is. How would you like to live in the vicinity where you knew your underground water supply had cyanide leaking into it?

Mr. President, I have nothing against the National Academy of Sciences, it is a fine organization. But we don't need another Academy study. The National Academy of Sciences has already examined the matter. In 1978, when we enacted SMCRA, governing the regulation of coal mining, a provision was included in the bill to require the National Academy of Sciences to study the regulatory requirements needed to address the environmental impact of hard rock mining. That study was completed in 1979. That same study found a need for a Federal regulatory framework.

In 1996, the Environmental Law Institute studied hard rock mining programs and said the current regulations were insufficient. That was in 1996. In 1992, the House Committee on Interior and Insular Affairs prepared a study that found significant gaps in environmental regulation of mining. The GAO has studied this issue to death and has found flaws in the administration of our mining laws.

The question then becomes, When you consider all the studies that have been done and the damage that has occurred while we have been doing studies, why in the name of all that is good and holy do we need another study? I repeat, do we need another study to postpone this until after the year 2000, when a new Secretary, presumably, will take office who does not even believe in studies, let alone environmental regulation? This is all a ploy. Everybody in the Senate knows that. When they vote today, they are going to think, "Now, what kind of a 30-second spot can somebody make out of me voting to continue mining gold with cyanide when the regulations were written before cyanide was even used in gold mining?" And they think about it and they put it through this little filter, this little political filter in their ear, and say, "Well, on the other side it says the National Academy of Sciences. Who can object to the National Academy of Sciences studying something? It is a very prestigious organization." And they can probably try to convince their constituents that they are trying to protect them by having the National Academy of Sciences do a study when, in fact, the National Academy of Sciences could do what they need to do on their own in 2 months. But the list I just gave you shows this has been studied and studied and postponed and postponed, until now we have these environmental disasters on our hands that cost the taxpayers "gazillions." It is going to cost them a fortune.

And don't anybody make any mistake in your judgment about how this is going to play out. As I said, we had a solemn agreement last year. Everybody understood exactly what we were agreeing to. And, incidentally, we said the Secretary had to consult with all the Western Governors. He has done that. Governor Miller, I think, is president of the Western Governors' Association; he has notified Members of Congress that they have been consulted with. Everything we agreed to last year has taken place, and we come back here today and industry says, "No, we have to have one more study."

I have said most of what I want to say. I just ask, what is the objection, even of the Western Senators? What is their objection to the Interior Department, that they want to prohibit any update of the regulations? Nobody has cited a single objection to the drafts of the Secretary of Interior that were going to go into effect, that were going to be promulgated November 15 of this year. Do they object to mining companies having to file a plan before they start mining? Do they object to requiring mining companies to post a bond sufficient to take care of the devastation that they may cause? Do they object to a regulation that says they must reclaim the land when they finish mining it? What is the objection? Is it that they have to minimize the adverse impact on the environment, if at all economically and technically possible? It does not say they have to. It says they have to minimize adverse impacts if at all technically and economically possible. Who could object to that?

Madam President, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

Mr. BUMPERS. Madam President, the amendment is up, isn't it?

The PRESIDING OFFICER. The Senator has not called up his amendment.

AMENDMENT NO. 3591

(Purpose: To remove an anti-environmental rider)

Mr. BUMPERS. I now call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 3591.

Strike line 19 on page 55 through line 6 on page 58.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Madam President, let me wish you a good morning as we proceed with the Interior appropriations process. I would like my colleagues to note that I stand in strong opposition to Senator BUMPERS' amendment to strike the National Academy of Science study. What we have here is an organization of scientists that are objective. They have a reputation of making decisions based on sound science and not rhetoric. We

have a good deal of rhetoric here in this body.

The language that Senator BUMPERS would propose to strike is as simple and straightforward as any legislative language can be. In spite of all words to the contrary, it does nothing more than direct the National Academy of Sciences to review existing State and Federal environmental regulations dealing with the hard rock mining industry to determine the adequacy of these laws and those regulations to prevent unnecessary and undue degradation, and how to better coordinate Federal and State regulatory programs to ensure environmental protection. It is short, it is sweet, and it is to the point.

The Senator from Arkansas has a long history in opposition to mining. It is interesting to note that the State of Arkansas has a relatively small amount of mining activity, most of which is either on private or patented land, unlike the western part of the United States, Nevada, California, Idaho, my State of Alaska. I do not have a constituency in the poultry industry. I could, perhaps, claim "fowl," relative to the constant objection from my good friend from Arkansas who clearly has no constituency in the mining industry. But the point is, the mining industry in the United States has been able to survive in an international marketplace, unlike the poultry industry which has a domestic market and domestic concerns. My point is that the economy of a good portion of the Western United States is dependent on the mining industry.

It needs fixing, but it is not broke. It is rather interesting to note that the reason we are here today, to a large degree, is that we have yet to pass a mining law reform package in the U.S. Senate. It is fair to ask why. Let me tell you why, Madam President.

The Senator from Arkansas specifically asked the Senator from Alaska, who chairs the Energy and Natural Resources Committee, not to mark up the mining legislation because he was working diligently with me and others to try to put together a compromise that he could support.

But the point is, he asked and I put off Senator CRAIG's and my mining bill while he negotiated with industry on a comprehensive reform package. I hope that effort is not over. But we would not be here today or have to go through this debate if our reform bill had come to this floor for a vote, which I hope within the timeframe remaining it still might. It was an effort to provide a balanced package that contained a host of surface management protections along with royalty, but it was because he asked us to put off the mining law package that we are here today debating only a portion of the reforms envisioned in my mining bill.

Let me remind you, Madam President, the reform of mining law is complex. There are different minerals. It is not like the coal industry where you are dealing with one particular mine product. You are dealing with gold, you are dealing with silver, you are dealing with copper, all of which have different complexities in the mining and, more so, the refining process, different costs, and the realization that you may be mining rich gold in one mine and much lower grade gold in another, yet the costs are significant. When you try to have uniformity in application of mining law, it becomes very complex and often an impossible task.

What we are proposing in our mining bill, as the Senator from Arkansas knows, is a pattern similar to what is working in the State of Nevada. My colleagues from Nevada will be addressing that. But that is basically the application of a net royalty.

Madam President, hard as it is to believe that we agree on anything, I do agree with Senator BUMPERS that it is an absolute shame that the Congress has been forced to intercede in what should be the Department of Interior's routine rulemaking process. This has been addressed by my friend from Arkansas, but if we look back historically, we have been able to count on administration agencies to do an evaluation of needs that is objective and straightforward before launching off and writing new regulations. Sadly, under the current Office of the Secretary of the Interior, this has not been the case. Let me tell you why.

The entire rulemaking effort for mining is rooted in a Secretarial directive to the Bureau of Land Management in which he concludes that since the Congress has not acted on mining reform, it is his intention to do so through the regulatory process. So here is the Secretary of the Interior circumventing the will of Congress.

Why don't we have a bill here? We accommodated the Senator from Arkansas in withholding on the markup so we could negotiate. Yet, he wants to move in and strike the involvement on a portion—a portion, Madam President—of the reform from having the independent study done by the National Academy of Sciences.

I am sure my colleagues understand what we have going on here. As we look at giving the Secretary of the Interior the right to initiate rulemaking, circumventing the role of Congress, I think on most issues, my friend will agree with me, there is no justification for it. There is a mining bill before this Congress. We would like to have it passed, but we are waiting for a resolve by the Senator from Arkansas to negotiate something that is satisfactory to him, as well as us. We have a bill before this body, as I promised many of my colleagues after the last vote on this issue that we would.

Let's go back to the proposed rulemaking, which the Senator from Arkansas has referred to, at the Department of Interior. It is interesting to note that no assessment of existing Federal laws and regulations, no assessment of existing State laws and regulations—simply put, the result so far from the Department of Interior is, no determination of need whatsoever has come out of this process.

Governor Miller of Nevada perhaps put it best when he said the current Department of Interior mining regulation effort is a solution looking for a problem, and my good friend from Arkansas is here with his continuation of his objection to this particular industry.

During the last appropriations cycle, we attempted to temper the Secretary's driving impulse to regulate with an amendment which would have forced—forced—the Department of Interior to at least coordinate its efforts with the Governors of the affected States. My friend from Arkansas said they met that obligation. The only difference is, the Governors of the affected States didn't agree with the Department of Interior.

It was our hope through this coordinated effort the new regulations would not drop a monkey wrench into the existing State-Federal regulatory network. Anyone, Madam President, with even a rudimentary understanding of how the mining industry is regulated understands that the State governments play by far the largest role in oversight and enforcement of environmental regulations on the industry.

What is wrong with that? The Senator from Arkansas seems to put little credence in the oversight capability of the States. What is wrong with the States, the most concerned group with regard to their responsibility concerning environmental oversight on the mining industry? Is it better to have a faceless bureaucrat in Washington, DC, dictating what goes on in Nevada, California, Idaho, dictating to the people of Idaho, the people of Alaska who live with the mining industry, who take pride in their State, who take pride in the reclamation process to meet their obligations?

The reason for this is simple. Over time, the States have been delegated Federal responsibilities for water quality, air quality, solid waste management, and mine reclamation. These laws are the 800-pound gorillas when it comes to mining.

Over time, these Federal programs have been fully integrated into State environmental protection laws. These interwoven laws form a complete and balanced net of environmental regulations that cover almost every aspect of mining activity. And if they don't cover some, they will, without so much as a thought given to the impact their rulemaking efforts would have upon existing Federal and State programs that the Department of Interior took upon

itself to launch into a major rewrite effort.

What is their agenda? Is it to run the domestic mining industry offshore? We have learned from what happened in Mexico and Canada when the industry basically ceased to exist at its previous level because of restrictions. And, remember, unlike the poultry industry, which is a domestic industry and with which my colleague from Arkansas is familiar, the mining industry has to operate internationally. It either competes on an international basis or it doesn't. It is much more complex.

Last year, at the request of Governor Miller of Nevada, Senator REID put on an amendment to the Interior appropriations bill which would have made it mandatory that the Interior Department at least coordinate efforts with the States—at least coordinate them. He did this only after the Governor made it clear that coordination was not taking place.

So I take issue with the general statement of my friend from Arkansas. We were prepared last year to make Interior Department coordination with the States mandatory. Senator BUMPERS, however, saw fit to intercede on behalf of the Department of Interior with an amendment which removed mandatory coordination with States and put in place a requirement that the Secretary certify to the Congress that the coordination had occurred, and the Secretary has done that. But the States didn't agree. They didn't agree, Madam President.

While I have had doubts about this, I supported the approach. I was hopeful that the amendment would be received in good faith by the Interior Department and that they would make sure that the States interested were factored into their mining regulation effort. What followed was the most, I think, disrespectful, in-your-face response I have ever seen from the Department of Interior and any other agency of the Federal Government.

In the Interior appropriations bill, when it was signed by the President November 11, 1997, a letter certifying that coordination with the Governors had taken place was signed on Monday, November 14. Well, they didn't agree. The cavalier attitude of the Interior Department is the sole reason we are back here again this year. At this time, I urge my colleagues not to be taken in by the rhetoric. Fool me once, shame on you; fool me twice, why, shame on me.

It is obvious to me that we have seen examples that the Department of Interior is simply unwilling and incapable of following good government practice when it comes to regulating the industry. They have so completely lost their objectivity and become so biased against this industry that they appear completely incapable of making objective and fair decisions.

It is just not the mining industry. Grazing on public land falls into the same category; oil and gas exploration, same category; access to public land; the administration talks about global warming and that gas is the answer—where are you going to get the gas if they won't allow exploration on public lands; timbering, Forest Service lands, and, of course, mining on western public land.

Our amendment does not make a finding one way or the other regarding the ultimate needs for new regulations. It does direct an "unbaised" assessment of the need for new regulations be completed before—and that is the whole purpose of the National Academy of Sciences—before the Interior Department can finalize mining regulations.

With diminished budgets, increased need and the growing complexity of State, Federal and environmental protection laws, why on Earth would any responsible government manager propose a large-scale rulemaking effort without first establishing a solid and specific need?

Since it has become obvious that the Interior Department is either unwilling or incapable of accomplishing this assessment, then it is imperative that the Congress now step in and assume the responsibility. They leave us with no other choice. Once the National Academy of Sciences completes its assessment, the Interior Department will be free to proceed with its regulatory efforts. At that point, they will have the information they need to rewrite the regulations in a way that fixes problems, if there are any, but not create problems.

The citizens of this Nation are entitled to a Department of Interior that determines need before it acts, that doesn't waste money that it sorely needs in other places, a department that doesn't unnecessarily disrupt a system of State and Federal regulations laboriously constructed over decades to complement and enhance environmental protection at the lowest possible cost.

The time has come to draw a line in the sand with this administration. It is simply not in their purview to regulate an industry out of existence without first establishing a need for that regulation. It cannot simply dismiss input from the affected States, which they have done. These States truly are our partners, not our enemies.

I have communications from the Governors of Nevada, Arizona, Idaho, Utah, Wyoming, and New Mexico, asking Congress to protect their interests, asking us to support retention of the National Academy of Sciences' objective study. Like us, they simply want the Interior Department to demonstrate a need for regulation before they step up on the effort.

By voting to table Senator BUMPERS' amendment we will certainly set in motion this study. It is my understanding it will be Senator BUMPERS' motion to strike.

Now, I am sure all of you will hear a great deal of verbiage about this issue, but when the dust settles and the smoke has blown away, you only have to ask yourself one question: Do we want to start a massive, potentially disruptive rulemaking effort before the need for the effort has been established?

There you have it—short, simple and to the point. I urge my colleagues to join me in a vote against Senator BUMPERS' amendment. In so doing, we will be sending a clear message to the administration that good government is still important government, and the government that is best is the government that is close to the people. The State's voice should be heard. The States play a critical role in environmental protection. Their partnership and input is important. Let's have a fair, objective, qualified, scientific group, the National Academy of Sciences, make the call.

How much time remains on each side?

The PRESIDING OFFICER. The Senator from Alaska has 57 minutes; the Senator from Arkansas has 38 minutes.

Mr. MURKOWSKI. I yield up to 15 minutes to my friend from the State of Nevada.

Mr. REID. Madam President, this Senator from Nevada would like 20 minutes, and the junior Senator from Nevada would like 10 minutes.

Mr. MURKOWSKI. That is quite satisfactory.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Madam President, let's put this in proper perspective. Gold prices are at the lowest level in 19 years as of just last week. The mining industry has seen layoffs. Some of the companies have filed bankruptcy. This seems like a very inopportune time to come in and attack the mining industry. It is an industry which creates the best blue-collar jobs in America. I repeat, the best blue-collar jobs in America come from mining.

Here is the Senator from Arkansas, again, as he does every year, attacking the mining industry. This year the attack is at a very inopportune time. I repeat, the mining industry is going through some very difficult times.

In spite of paying the highest wages in blue-collar industry in America, the mining industry in America is the best in the world. The costs of production are extremely low. They are lower than Australia or any other country. We are competitive. But it has been very difficult.

Now, having said that, we also have to recognize that the gold industry is a very important industry for the United States. We are a net exporter of gold. It is one of the few things that we do that

creates a favorable balance of trade in America.

With that as the setting for this amendment, let me say this amendment is attempting to strike from the bill language that is very, very reasonable. The Secretary of Interior is attempting to do by regulation what he can't do by legislation. What right does he have to overrule what the will of the Congress is? He has no right to do that. He has tried very hard. I am not making this up. He said in 1994 when his legislative efforts failed,

> We will explore the full range of regulatory authority we now possess.

Since that comment, with a vengeance, the Secretary has gotten busy on the regulatory side while making no attempt to work with Congress to reform the mining law bill. If we had had support from the Secretary's office in the past 2 months, we may be here today talking about mining law reform rather than hacking away at this Interior bill.

The Governors, at their meeting in Medora, ND, in June of 1997, pointed out in a resolution that the current State programs, as far as they are concerned, are working well, and attempts to duplicate them should be avoided.

What we have here is, again, something we like to talk about, but not do much about, and that is talk about States rights. States rights are very important to our framework of government. We have here a number of States which are saying we are willing to work within the Federal concept and all the laws that we pass in Washington that affect mining, but let us regulate from the State level. This amendment is attempting to take that away.

The Secretary of Interior has proceeded undaunted with his rulemaking in spite of how the Governors feel. This led to language being included in last year's Interior bill that precluded the Secretary from expending funds to rewrite 309. As the chairman of the full committee said a few minutes ago, showing absolute disrespect for Congress, the Secretary, 3 days after the President signed the Interior bill—we stuck language in the bill saying he had to confer with Governors—3 days after signing that bill, he sent a letter saying that they had conferred and complied with the requirement to consult with the Governors. Let's be realistic—within 3 days? This was, as chairman of the full committee said, an in-your-face remark to Congress from the Secretary of Interior's office saying, "We don't have to consult with you."

After numerous Governors, both individually and collectively, pleaded with the Department not to forge ahead on rulemaking without bringing them in the process, he continued. Only after months of letterwriting and handwringing did the Secretary send his task force out with a draft proposal. After the draft proposal was received, the Governor said, "We have seen it; we have looked at it. What are you trying to do?" It doesn't make any sense. The chairman of the full committee, the junior Senator from Alaska, held a hearing. At the hearing, the Governors testified, "Where is the demonstrated need to rewrite the 309 service management regulations?" There was no response as to why it was necessary.

Madam President, understand that this isn't something that we have dreamed up. This isn't some anti-environmental piece of the Interior bill. In fact, what this is, is a clear demonstration that the mining industry, the Governors from the States where mining is important, and the rest of the country where mining is important, are simply saying what they want to do is have an independent, unbiased, competent body take a look at the present regulations to see if they are OK. We have assigned the National Academy of Sciences, one of the foremost scientific bodies in the world, to take a look at this. That doesn't sound unreasonable to any reasonable person.

This language is not an anti-environmental rider that would somehow gut existing regulations. We don't touch existing regulations. We are simply saying that it is within the purview and jurisdiction of Congress because it is something that we feel will add to a good resolution of this issue.

The Secretary has proceeded in a cavalier fashion for an outcome that would seriously jeopardize the State's role as coregulators with the Federal Government in mining. There is talk about the atrocities toward the environment in mining. I come from a family where my father was a hard rock miner. I have worked in the mines. I went with my dad when I was a little boy into the mines. I have to acknowledge that many years ago there were a lot of environmental degradations as a result of mining. The tailings from the mill just ran out wherever, and the dumps were just not located in any specific place.

In short, the legacy that went on before bears no resemblance to the current practices in the mining industry, nor the States' ability to regulate mining. They do a good job now. In the past two, two and a half decades, tremendous work has been done. I am really tired of hearing all the time that the 1872 mining law needs to be revamped. It has been over 100 years and we have done nothing. That is a bunch of hogwash.

(Mr. ASHCROFT assumed the Chair.)

Mr. REID. Mr. President, here are the pieces of legislation, the laws, that have been passed that now govern mining: Migratory Bird Treaty Act, Fish and Wildlife Coordination Act, Historic Buildings and Sites, Fish and Wildlife, National Environmental Policy Act, Clean Air Amendments, Federal Water Pollution Control, Endangered Species Act, Safe Drinking Water Act, Toxic Substance Control Act, Resource Conservation, National Forest Management, Clean Air Act, Federal Mine Safety and Health Act, Clean Water Act, Uranium Mill Tailings Radiation Act, Archaeological and Historical Preservation, Comprehensive Environmental Compensation Liability Act, Superfund, Clean Air Amendments of 1990. And there are more.

The 1872 mining law has been affected numerous times by Federal laws that we have passed back here. Mr. President, I ask unanimous consent to have printed in the RECORD a list of all the different amendments to the 1872 mining law.

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

AMENDMENTS TO 1872, MINING LAW

FEDERAL LAWS

1. National Environmental Policy Act (NEPA), 42 U.S.C. 4341–4370a: Requires federal agencies to take interdisciplinary approach to environmental decision-making; and requires consideration of environmental impacts for all federal actions (environmental assessments/environmental impact statements).

2. Federal Land Policy and Management Act (FLPMA), 43 U.S.C. 1701–1784: Directs Department of Interior to prevent undue and unnecessary degradation of federal lands.

3. Clean Air Act (CAA), 42 U.S.C. 7401–7642: Requires EPA to designate criteria pollutants and set ambient air quality standards; requires states to develop State Implementation Plans (SIP) to achieve federal ambient air quality standards; requires EPA to set new source performance standards for categories of air pollution sources; requires EPA to set emission standards for sources of hazardous air pollutants; establishes additional level of control to prevent significant deterioration of air quality in certain areas and for certain sources; and allows EPA enforcement of state permits issued under approved SIP.

4. Federal Water Pollution Control Act (Clean Water Act, CWA), 33 U.S.C. 1251–1387: Requires States to Set and Implement Surface Water Quality Standards; requires EPA to Establish Effluent Limitations and Standards of Performance for Categories of Facilities Discharging to Surface Waters; establishes the National Pollutant Discharge Elimination System (NPDES) for Permitting of Point Source Discharges to Surface Waters; requires States to Develop Management Plans for Control of Non-Point Sources of Surface Water Pollution and to Submit Them to EPA for Approval; establishes Programs for protection of Surface Waters from Dredge and Fill Activities; and establishes a Program for Designation of Reportable Quantities of Oil and Hazardous Substances and Reporting of Releases to Navigable Waters.

5. Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j–26: Requires EPA to Set Standards for Quality of Drinking Water Supplied to the Public and Allows States to be Delegated Primary Enforcement Authority; and establishes a Program to Regulate Underground Injection Operations (Including Sand Backfill of Underground Mines) and Allows Delegation of Program to the States.

6. Solid Waste Disposal Act (SWDA), 42 U.S.C. 6901–6992k: Requires EPA to Establish a Program for Regulating the Generation, Storage and Disposal of Hazardous Waste and Allows Delegation to the States; requires EPA to Establish Guidelines for State Management of Solid, Non-Hazardous Waste; and requires EPA to Establish a Program for Regulating Underground Storage Tanks Containing Petroleum Products and Hazardous Substances and Allows Delegation to the States.

7. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, Superfund), 42 U.S.C. 9601–9675: Requires Owners/Operators to Report Releases of Hazardous Substances to the Environment; requires Owners/Operators to Inventory Chemicals Handled and Report to EPA and the Public; establishes Owners/Operators Liability for Remedial Actions Necessitated by Releases of Hazardous Substance4s; and requires EPA to Establish System of Ranking Relative Hazards at Sites, Create a List of Sites Requiring Remediation and Develop Response and Remediation Plans for Such Sites.

8. Toxic Substance Control Act (TSCA), 15 U.S.C. 2601–2671: Requires EPA to Establish Regulations for Specific Chemicals in Commerce Which Present an Unreasonable Risk to Health or the Environment.

9. Endangered Species Act, 16 U.S.C. 1531–1544: Requires Departments of Interior and Commerce to List species of Plants and Animals Which are Threatened with or in Danger of Extinction; requires Department of Interior to Develop Regulations for Protection of Listed Species; and requires Consideration of Requirements of the Act in All Other Federal Actions (Including Bureau of Land Management and Forest Service Approvals to Operate on Public Land).

10. Migratory Bird Treaty Act, 16 U.S.C. 703–715s: Prohibits the Killing of Nearly All Bird Species.

11. Rivers and Harbors Act, 33 U.S.C. 401–467e: Prohibits Disposal of Refuse into Navigable Water.

12. Mining Law of 1872, 30 U.S.C. 22–48: Establishes Procedures for Filing Mining Claims on Public Lands.

13. National Historic Preservation Act, 16 U.S.C. 470: Requires Consideration of Cultural Resource Preservation in Federal Actions.

14. Law Authorizing Treasury's Bureau of Alcohol, Tobacco and Firearms to Regulate Sale, Transport and Storage of Explosives, 18 U.S.C. 841–848: Requires Secretary of the Treasury to Establish Regulations for the Sale, Transport and Storage of Explosives.

15. Federal Mine Safety and Health Act, 30 U.S.C. 801–962: Authorizes Mine Safety and Health Administration to Set Standards for Protection of Worker Health and Safety at Mining Operations.

FEDERAL REGULATIONS

1. Procedures for Implementing National Environmental Policy Act, 40 CFR 6: Establishes EPA Procedures for Complying with NEPA; and establishes Requirements for Contents of Environmental Impact Statement.

2. Bureau of Land Management (BLM) Surface Management Regulations, 43 CFR 3802, 3809: Establishes Requirements for Approval of Activities Including Exploration, Mining, Construction of Access Roads and Power Lines on Public Lands Under BLM Jurisdiction; requires Environmental Assessment/Environmental Impact Statement to Address Existing Physical, Biological, Visual, Cultural and Socio-Economic Resources, Impacts on Proposed Activity on These Resources, and Mitigative Measures; requires Activities to be Conducted to Prevent Unnecessary and Undue Degradation; and generally Requires Plans of Operation and Reclamation and Financial Assurance for Reclamation.

3. Forest Service (FS) Regulations, 36 CFR 228: Establishes Requirements for Approval of Activities Including Exploration, Mining, Construction of Access Roads and Power Lines on Public Lands Under FS Jurisdiction; requires Environmental Assessment/Environmental Impact Statement to Address Existing Physical, Biological, Cultural and Socio-Economic Resources, Impacts on Proposed Activity on These Resources, and Mitigative Measures; requires Activities to be Conducted to Minimize Adverse Environmental Impacts Where Feasible; and generally Requires Plans of Operation and Reclamation and Financial Assurance for Reclamation.

4. Federal Air Quality Regulations, 40 CFR 50–54, 56, 58, 60, 66: Establishes Ambient Air Quality Standards and Monitoring Procedures for Criteria Pollutants; establishes New Source Performance Standards and Point Source Monitoring Procedures; and establishes Criteria for Approval of State Implementation Plans.

5. Federal Water Quality Regulations, 40 CFR 110, 112, 114, 116, 117, 122, 123, 125, 130, 136, 230, 232, 401, 421, 436, 471, 33 CFR 320–330: Establishes Regulations for Prevention of Discharge of Oil to Surface Waters; establishes Effluent Limitations and a Permit System for Point Source Discharges to Surface Waters (NPDES Program); establishes Requirements for State Surface Water Quality Standard Setting; establishes Effluent Limitations Guidelines Materials in Surface Waters and Wetlands; establishes Requirements for Reporting of Releases of Oil and Hazardous Substances to Navigable Waters; establishes Procedures for Analysis of Pollutants; and establishes EPA and Army Corp of Engineers Requirements for Disposal of Dredge and Fill.

6. Safe Drinking Water Act Regulations, 40 CFR 141–147: Establishes Primary and Secondary Drinking Water Quality Standards; establishes Procedures for State/Federal Implementation of Drinking Water Standards; and establishes Requirements for Operation of Underground Injection Wells and Procedures for Delegation to the States.

7. Solid Waste Disposal Act Regulations, 40 CFR 240, 241, 243–246, 255–257, 260–268, 280: Establishes Requirements for Management of Hazardous Waste, Including Standards for Generator, Storers, Transporters and Disposers; establishes Requirements for Owners of Underground Tanks Storing Petroleum Products and Hazardous Substances; and establishes Procedures for Delegation of Programs to the States.

8. Superfund Regulations, 40 CFR 300, 302, 310, 355, 370, 372: Establishes the National Contingency Plan for Addressing Remediation of Releases of Hazardous Substances to the Environment, Including the Hazard Ranking System for Determining Which Sites Require Remediation and the National Priorities List of Such Sites; requires Reporting of Releases of Hazardous Substances to the Environment; and establishes Procedures for Owners/Operators to Inventory Chemicals Handled and Report to EPA and the Public.

9. Toxic Substances Control Act Regulations, 40 CFR 761: Establishes Requirements for Use and Disposal of Asbestos and Polychlorinated Biphenyls (PCBs).

10. Endangered Species Act List, 50 CFR 17, 222, 226, 227: Lists of all Threatened and Endangered Species of Plants and Animals Subject to Protection Under the Act; establishes Special Rules for Protection of Some Listed Species; and lists Critical Habitat for Some Species.

11. Historic Preservation Regulations, 36 CFR 800: Establishes Procedures for Federal Actions Regarding Preservation of Cultural Resources.

12. Explosives Regulation, 27 CFR 55: Establishes requirements for sale, transport and storage of explosives.

13. Mine Health and Safety Standards, 30 CFR 56, 57: Establishes Standards for Open Pit and Underground Mines for Protection Of Worker Health and Safety.

STATE LAWS

1. Nevada Air Pollution Control Law, N.R.S. 445.401–445.710: Establishes Authority for Implementing Federal Ambient Air Quality Standards and other Clean Air Act Requirements; and creates State Environmental Commission.

2. Nevada Water Pollution Control Law, N.R.S. 445.131–445.354: Establishes Authority to Control Sources and Ground Water Pollution Including Point and Non-Point Sources and Underground Injection; requires Setting of Surface Water Quality Standards; and establishes Authority for Regulation of Public Drinking Water Supplies.

3. Nevada Hazardous Waste Disposal Law, N.R.S. 459.400–459.600: Establishes Authority for Regulation of Hazardous Waste Management; and establishes Authority to be Delegated Federal Program Under RCRA.

4. Nevada Solid Waste Disposal Law, N.R.S. 444.440–459.600: Establishes Authority for Regulation of Solid Waste Management; and prohibits Discharge of Sewage Except as Authorized by Appropriate Governing Body.

5. Nevada Reclamation Law, N.R.S 519A.010–519A.290: Establishes Authority for Reclamation Regulations Applicable on Public and Private Land; and requires Posting of Financial Assurance to Complete Reclamation.

6. Nevada Underground Storage Tank Laws, N.R.S. 459.800–459.856 and N.R.S. 590.700–590.920; Establishes Authority to be Delegated RCRA Program for Management of Underground Storage Tanks; and imposes Fees on Owners/Operator of Petroleum Underground Storage Tanks.

7. Nevada Wildlife Protection Law, N.R.S. 502.390: Establishes Authority for Regulation of Ponds Containing Chemicals by Nevada Department of Wildlife.

8. Nevada Water Resources Law, N.R.S. 533.010–533.540, 534.010–534.190 and 535.010–535.110: establishes Authority for Designation of Surface and Ground Water Rights; establishes Authority and Procedures for Permitting Construction Of Dams and Impoundments; and establishes Authority to Regulate Drilling, Construction and Abandonment of Water Wells.

9. Nevada Dredging Law, N.R.S. 503.425: Requires Permit Prior to In-Stream Mining by Dredging.

10. Nevada Historic Preservation Laws, N.R.S. 381.001–381.445, 383.001–383.121 and 384.005–384.210: Establishes Requirements for Mining Operations in State Historic Mining Districts; and establishes Requirements Regarding Disturbances to Native American Burial Grounds.

11. Nevada Geothermal Resources Law, N.R.S. 534A.010–534A.090: Establishes Authority to Regulate Geothermal Wells.

12. Nevada Mineral Resources Law, N.R.S. 513.011–513.113: Establishes Authority for Regulation of Radioactive Materials.

13. Nevada Radioactive Materials Law, N.R.S. 459.001–459.600: Establishes Authority for Regulation of Radioactive Materials.

14. Nevada Occupational Health and Safety Law, N.R.S. 618.005–618.720: Establishes Authority for Regulation of Boilers and Pressure Vessels.

15. Nevada Mine Inspection and Safety Law, N.R.S. 512.002–512.270: Requires Operator to Provide Notice to State Mine Inspector of Opening and Closing a Mine; requires Operator to Report Production, Mine Activity and Status, Accidents, Injuries, Loss of Life and Occupational Illnesses at Least Annually; and requires Division of Mine Inspection to Annually Inspect All Mines for Health and Safety Concerns.

16. Nevada Contractor's Law, N.R.S. 624.010–624.360: Requires Contractor's License Prior to Facility Construction.

STATE REGULATIONS

1. Nevada Air Quality Regulations, N.A.C. 445.430–445.944: Sets Ambient Air Quality Standards for Criteria and Toxic Pollutants; and contains Permitting Procedures for Sources of Criteria and Toxic Pollutants.

2. Nevada Water Pollution Control Regulations, N.A.C. 445.070–445.174: Establishes Permit Program for Point Source Discharges to Surface Water; and establishes Permit Program for Construction, Operation and Closure of Mining Facilities (Not Yet Codified in N.A.C.).

3. Nevada Water Quality Standards, N.A.C. 445.117–445.1395: Establishes Beneficial Uses and Water Quality Standards for All Surface Water Bodies in the State.

4. Nevada Drinking Water Regulations, N.A.C. 445.244–445.262: Establishes Regulations for Quality of Public Drinking Water Supplies (Including Non-Community, Non-Transient Systems Such as Newmont Gold's).

5. Nevada Hazardous Waste Management Regulations, N.A.C. 444.8500–444.9335: Establishes Requirements For Management of Hazardous Waste, Including Standards for Generators, Storers, Transporters and Disposers.

6. Nevada Solid Waste Disposal Regulations, N.A.C. 444.570–444.748: Establishes Standards for Management of Solid, Non-Hazardous Waste.

7. Nevada Underground Injection Control Regulations, N.A.C. 445.422–445.4278: Establishes Regulations for Underground Injection Wells (Including Sand Backfill of Underground Mines).

8. Nevada Sewage Disposal Regulations, N.A.C. 444.750–444.840: Establishes Requirements for Disposal of Sewage.

9. Nevada Reclamation Regulations: Will Require Reclamation of Surface Disturbances Due to Exploration and Mining on Public and Private Lands; and will Require Posting of Financial Assurance to Complete Reclamation.

10. Nevada Wildlife Protection Regulations N.A.C. 502.460–502.495: Requires Permits for Ponds Containing Chemicals Toxic to Wildlife; and requires Owner/Operators to Take Measures to Preclude Wildlife Mortality.

11. Nevada Geothermal Regulations, N.A.C. 534A.010–534A.690: Establishes Requirements for Design and Operation of Geothermal Wells.

12. Nevada Mineral Resources Regulations, N.A.C. 513.010–513.390: Requires Mine Owners/Operators to Annually Report Their Production.

13. Nevada Radioactive Health Regulations, N.A.C. 459.180–459–374: Requires License for Uses of Radioactive Materials (i.e. Densiometers).

14. Nevada Occupational Safety and Health Regulations, N.A.C. 618.010–618.334: Requires Registration of Boilers and Pressure Vessels Prior to Operation.

15. Nevada Health and Safety Standards for Open Pits and Underground Mines, N.A.C. 512.010–512.178: Establishes Standards in Addition to Federal Ones for Open Pit and Underground Mining Operations Regarding Protection of Worker Health and Safety.

Mr. REID. Mr. President, I ask the Chair to advise the Senator when he has 5 minutes left of his 20 minutes.

There has been a lot of talk about how terrible things are in the mining industry. Yet, the Bureau of Land Management, a Government agency that I have great respect for, that is doing its best, controls most of the Federal lands in the State of Nevada.

The Bureau of Land Management has put out a brochure. This isn't from the State of Nevada, the State of Alaska, or the State of Colorado. This is from the Federal Government. This applies to Nevada. It says on the front, "BLM, Mining Reclamation, You'd Be Surprised." My friend from Arkansas talked at great length about how bad cyanide is. Let me read from this brochure that is now being put out to everybody who wants a copy in the State of Nevada and the other Western States:

Cyanide is a toxic chemical which is used in most gold and silver mining operations. BLM, again in cooperation with Nevada's State agencies, such as Nevada Department of Wildlife and Nevada Division of Environmental Protection, require that mining operations using cyanide do so in an environmentally sound manner.

All new ponds containing lethal concentrations of cyanide must be netted or detoxified to prevent wildlife deaths.

Birds do not die as a result of cyanide:

All operations using cyanide are inspected at least quarterly by BLM reclamation/compliance specialists.

Gold or silver ore leached with cyanide must be rinsed to reduce levels to safe standards upon abandonment. Leach facilities are engineered to prevent any ground or surface water contamination.

All exploration, mine and reclamation plans must be reviewed under the provisions of the National Environmental Policy Act.

This brochure goes on to show the great things done with reclamation in mining. It shows the equipment that is doing this. It is amazing what they have done to reclaim the land to its former state.

There is a mine near my hometown of Searchlight, NV, that is desert. When they pull out the Joshua trees, yuccas, and all the others, they have a nursery for those. And when that land is reclaimed, they have all those plants that they have taken out of the land and they put them back in. These aren't a bunch of environmental bandits out there tearing up the land.

The Federal Government agrees. My friend from Arkansas should read what the Federal Government wants. I suggest that my friend, the Secretary of the Interior, read the publication put out by his own agency. I say that about the Secretary of the Interior. He hasn't been fair to mining. I respect the work he has done as Secretary of the Interior in all areas except for mining, where he hasn't done a very good job. He is opposed to mining. He makes big shows when a land patent is issued and issues a big check saying it is not fair that we have to give this land to some miner. Remember these mining companies pay an average of a quarter of a million dollars every time a patent is issued. In short, the Secretary should read his own literature. The BLM and mining operations are continually looking for the best way to revegetate and reclaim mining lands. It shows pictures of it. It shows final reclamation at the Pinson Mine.

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

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

BUREAU OF LAND MANAGEMENT,
NEVADA STATE OFFICE,
Reno, NV.

MINING RECLAMATION—YOU'D BE SURPRISED

You may not know that on public lands in Nevada: All mining and exploration projects on public lands must be reclaimed.

All new mining operations greater than five acres, on public and private lands in Nevada, must submit a detailed mining and reclamation plan, must be bonded to ensure compliance, and must protect the environment.

Under the State of Nevada's new mining reclamation law, all operations must comply with numerous environmental protection programs. The Bureau of Land Management (BLM) and the State of Nevada have developed a cooperative mine plan review process which streamlines the approval process.

BLM AND MINING OPERATORS ARE CONTINUALLY LOOKING FOR THE BEST WAY TO REVEGETATE AND RECLAIM MINED LANDS.

Revegetation test plots at Cominco American's mine in Elko County, Nevada, help to determine what combination of seed, fertilizer, mulch and topsoil create the best revegetation results. BLM requires test plots at many mines in Nevada to evaluate local growing and rainfall conditions. These test plots enable mining operators and BLM to determine the most successful revegetation methods.

You might be surprised to learn that Nevada produced over 60% of the Nation's gold in 1990!

COOPERATIVE EFFORTS ENHANCE RIPARIAN AREAS.

Mining companies are working with the public to restore and revitalize public lands—those affected by old mining operations and even lands not in mining areas. The Sonoma Creek stream bank stability project near Winnemucca demonstrates how cooperation among the various users of public lands can enhance riparian areas in Nevada. Mining industry, ranching and government people all volunteered, with BLM, to build gabions and stream structures to improve the aquatic habitat of Sonoma Creek.

BLM, public land user groups and the mining industry plan more cooperative efforts in the future. BLM invites the public to help identify and participate in these activities.

CYANIDE MANAGEMENT

Cyanide is a toxic chemical which is used in most gold and silver mining operations. BLM, again in cooperation with Nevada's state agencies, such as the Nevada Department of Wildlife and Nevada Division of Environmental Protection, require that mining operations using cyanide, do so in an environmentally sound manner.

All new ponds containing lethal concentrations of cyanide must be netted or detoxified to prevent wildlife deaths. All operations using cyanide are inspected at least quarterly by BLM reclamation/compliance specialists.

Gold or silver ore leached with cyanide must be rinsed to reduce cyanide levels to safe standards upon abandonment. Leach facilities are engineered to prevent any ground or surface water contamination.

All exploration, mine and reclamation plans must be reviewed under the provisions of the National Environmental Policy Act.

EXCELLENCE IN MINING RECLAMATION

In 1990, Governor Bob Miller of Nevada awarded three "Excellence in Mining Reclamation" awards to exploration and mining operations in Nevada.

Pinson Mine, Borealis Mine and Independence Mining Co. were recognized for outstanding and unique practices and projects.

Mr. REID. This brochure indicates also that mining companies, one of which is pictured here, have received an award for excellence in mining reclamation.

Mr. President, the State of Nevada is totally different from the State of Alaska. The State of Nevada is the most mountainous State in the Union, except for Alaska. We have lots of mountains, over 11,000 feet high—32 to be exact. Alaska has a lot of water. We don't have a lot of water. Mining regulations in the State of Alaska should be different than those in the State of Nevada. The State of Alaska should have some control in setting the standards for mining reclamation, mining bonding and other such things. The State of Nevada should have different standards because we live in a desert in Nevada. That is the point.

Each State is subject to different water quality conditions, air-related issues, issues that stem from local climate conditions, disposal criteria, and other issues that are distinct from State to State. That is something the Federal Government must recognize, and the agency does. The BLM recognizes that because they have different standards in each State. That is why the present regulations are working pretty well.

Also, Mr. President, understand this. We have asked the National Academy of Sciences to study this. We don't tell them what result to reach. We will accept what they come up with. Why shouldn't those who want these regulations changed not accept it also? We are not asking for some predisposed venue. We are not asking for some agency that is going to rule in a certain way. We have asked the finest science body in the world to look at these regulations and find out if they make sense.

Mr. President, I will offer a number of exhibits here. One is a Western Governors' Conference resolution that indicates there is no need for what the Secretary of the Interior is trying to do.

We have a series of letters from Governors from all over the United States talking about why the Secretary is wrong.

Mr. President, I ask unanimous consent they be printed in the RECORD.

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

WESTERN GOVERNORS' ASSOCIATION,
Medora, ND, June 24, 1997.

POLICY RESOLUTION 97-006

Sponsors: Governors Miller, Leavitt, and Symington.

Subject: Regulation of mining.

A. BACKGROUND

1. Federal lands account for as much as 86 percent of the lands in certain western states. Most of these lands are "public lands," under the stewardship of the Bureau of Land Mangement (BLM).

2. The western states have legal jurisdiction over the public lands, and have a strong interest in seeing that the environment is protected on public and private lands within state boundaries. While the BLM manages public lands throughout the country, laws, policies and management decisions for public lands have the most direct impacts on the lives of the citizens of the western states where the greatest amount of public lands are located.

3. Mining operations on public lands are an important part of the economy of the West. They provide thousands of high-paying jobs in predominately rural areas of the West and they provide important revenues to states. The mining industry also continues to play an important role in the nation's economy and security.

4. Under the Federal Land Policy and Management Act (FLPMA), the BLM has authority to regulate mining and other activities on public lands to "prevent unnecessary or undue degradation of the lands." The BLM adopted rules in 1981—known as the 3809 rules—controlling impacts of mining activities on the public lands. These rules contain narrative reclamation standards, require operators to submit a plan of operations for approval including a reclamation plan, and require compliance with federal and state environmental, wildlife protection, cultural resources and reclamation laws.

5. The Secretary of Interior announced earlier this year his intention to revise the 3809 rules, and appointed a BLM Task Force to explore changes that should be made to the existing rules. The Secretary has directed the Task Force to consider numerous changes to the 3809 rules, including the adoption of significant new environmental regulatory requirements in the form of performance standards.

6. The BLM 3809 regulations do not exist in a regulatory vacuum. There exists today a large body of federal, state, and local environmental laws and regulations that govern mineral exploration, development and reclamation. This includes Federal laws delegated to the states, such as the Clean Water Act and the Clean Air Act. The existing 3809 rules are an important part of the regulation of mining on the public lands.

7. Western states also have comprehensive state mining regulatory programs, enforced in coordination with federal land management agencies. These state programs set criteria for permitting exploration, development and reclamation of mining operations, with provisions for financial assurance, protection of surface and ground water, designation of post-mining land use, and public notice and review.

B. GOVERNORS' POLICY STATEMENT

1. The Western Governors believe that responsible mining activity on the public lands is important and states have a vital interest in assuring that the environment is protected and that mining sites are reclaimed for productive post-mining uses.

2. Effective regulation of hard rock mining and reclamation operations should continue to utilize and build on existing state programs, state and federal laws and cooperative agreements between state and federal agencies. Because of the geographic and climatic diversity of the states and the location of many mines on a combination of public and adjacent private lands, the states are the most appropriate and sensible level of environmental regulation for mining which occurs on the public lands.

3. Revisions to 3809 regulations may not be necessary. More consideration should be given to compliance with existing regulations. States have filled and should continue to fill any deficiencies identified in the statutory and regulatory framework and its enforcement. Establishing burdensome or duplicative new BLM regulatory requirements for mining is not in the best interest of states or the nation.

4. Any new BLM regulations must recognize the dramatic improvements since 1981 in state and federal environmental regulation of mining on public lands and must not duplicate or be inconsistent with those requirements.

5. The States have concurrent jurisdiction with the BLM over public lands and should therefore be included as partners in any effort to amend the 3809 regulations.

6. The bonding requirements of the BLM, as published in the Federal Register dated February 28, 1997, should be revisited as part of the effort to amend the 3809 regulations due to the integral nature of bonding with the entire regulatory and reclamation process.

7. The BLM time frame for regulatory review is too short to provide sufficient review and comment by stakeholders.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. Direct staff to work with the WGA Mine Waste Task Force to participate in the ongoing effort by the Bureau of Land Management to revise the 3809 regulations, emphasizing the states' interest in avoiding duplication, needless regulatory burdens and in preserving primacy of state regulation in the environmental area.

2. The Task Force should provide assistance and support to the BLM Task Force on the status and efficacy of state regulatory programs, the status of memoranda of agreement with the BLM, and should make recommendations for how current state programs may be improved where applicable.

3. This resolution is to be transmitted to the President of the United States, the Vice-President, the Director of the Office of Management and Budget, the Secretary of the Department of the Interior, the Secretary of the Department of Agriculture, all appropriate committees of jurisdiction in the United States Senate and House of Representatives, and the western states' congressional delegation.

STATE OF ARIZONA,
Phoenix, AZ, June 19, 1998.

Hon. FRANK MURKOWSKI,
Chairman, Energy & Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR SENATOR MURKOWSKI: In January 1996, Secretary Babbitt announced that it was the Department of the Interior's (DOI) intent to rewrite the 3809 surface management regulations for hardrock mining. I have followed that process intently and with great concern that such a rewrite of current regulations might produce duplicatory, burdensome and costly new regulations that would place a hardship on states that currently regulate hardrock mining.

Recently, one of my colleagues, Governor Bob Miller of Nevada, testified at a hearing in the Senate Energy and Natural Resources Committee in Washington, D.C. that there had been no demonstrated need to proceed with a rewrite of the 3809 surface management regulations. Further, that an independent reviewer, such as the National Academy of Sciences, should evaluate the current federal and state regulatory regime to determine if there are deficiencies that need to be addressed.

I strongly support the approach set forth by my colleague, Governor Miller, and it is my hope that Congress will take action to initiate such a study. Over the past two decades, much has happened at both the state and federal levels to provide for effective surface management of the hardrock mining industry. I believe that the states have an excellent cooperative working relationship with the federal land managers and together are currently doing a good job regulating the mining industry.

I will continue to work diligently and at every opportunity with all parties on this issue of great importance to my state. I appreciate Congress' continuing interest in this matter.

Sincerely,

JANE DEE HULL,
Governor.

STATE OF UTAH,
Salt Lake City, UT, July 8, 1998.

Hon. ORRIN HATCH,
U.S. Senate, Washington, DC.

DEAR ORRIN: In January 1996, Secretary Babbitt announced that it was the Department of the Interior's (DOI) intent to rewrite the 3809 surface management regulations for hardrock mining. I have followed that process intently and with great concern that such a rewrite of current regulations might produce redundant, burdensome and costly new regulations that would place a hardship on states that currently regulate hardrock mining.

Recently, one of my colleagues, Governor Bob Miller of Nevada, testified at a hearing in the Senate Energy and Natural Resources Committee in Washington, D.C. that there had been no demonstrated need to proceed with a rewrite of the 3809 surface management regulations and that an independent reviewer, such as the National Academy of Sciences, should evaluate the current federal and state regulatory regime to determine if there are deficiencies that needed to be addressed.

I support the approach set forth by my colleague, Governor Miller, and it is my hope that Congress will take action to initiate such a study. Over the past two decades, much has happened at both the state and federal levels to provide for effective surface management of the hardrock mining industry. I believe that the states have an excellent working relationship with the federal land managers and together are currently doing a good job regulating the mining industry.

I will continue to work diligently and at every opportunity with all parties on this issue of great importance to our states. I appreciate Congress' continuing interest in this matter.

Sincerely,

MICHAEL O. LEAVITT,
Governor.

STATE OF WYOMING,
OFFICE OF THE GOVERNOR,
Cheyenne, WY, July 8, 1998.

Hon. SLADE GORTON,
U.S. Senate, Chairman, Interior Appropriations Subcommittee, Washington, DC.

DEAR SENATOR GORTON: In January 1996, Secretary Babbitt announced that it was the Department of the Interior's (DOI) intent to rewrite the 3809 surface management regulations for hard rock mining. I have followed that process intently and with great concern that such a rewrite of current regulations might produce redundant, burdensome, and costly new regulations that would place a hardship on states that currently regulate hard rock mining. Recently, one of my colleagues, Governor Bob Miller of Nevada, testified at a hearing in the Senate Energy and Natural Resources Committee in Washington, D.C. that there had been no demonstrated need to proceed with a rewrite of the 3809 surface management regulations and that an independent reviewer, such as the National Academy of Sciences, should evaluate the current and state regulatory regime to determine if there are deficiencies that need to be addressed.

I strongly support the approach set forth by my colleague, Governor Miller. It is my hope that Congress will take action to initiate such a study. Over the past two decades, much has happened at both the state and federal levels to provide for effective surface management of the hard rock mining industry. I believe that the states have an excellent working relationship with the federal land managers and together are currently doing a good job of regulation of the mining industry.

I will continue to work diligently and at every opportunity with all parties on this issue of great importance to our states. I appreciate Congress' continuing interest in this matter.

Best regards,

JIM GERINGER,
Governor.

OFFICE OF THE GOVERNOR,
Boise, ID, June 24, 1998.

Hon. SLADE GORTON,
U.S. Senate, Washington, DC.

DEAR SENATOR GORTON: The Bureau of Land Management has proposed significant revisions to its 3809 surface management regulations for hardrock mining. I have followed this process closely and believe the proposed changes are redundant, burdensome and costly. These revisions, as currently written, would place a hardship on our efforts to regulate mining in Idaho.

Governor Bob Miller of Nevada has suggested that an independent reviewer, such as the National Academy of Sciences, evaluate the current federal and state regulatory regimes to determine if there are problems that need to be addressed. I support Governor Miller's suggestion and urge you to support efforts to initiate and fund such a study.

Very truly yours,

PHILIP E. BATT,
Governor.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Santa Fe, NM, July 2, 1998.

Hon. FRANK MURKOWSKI,
Chairman, Energy & Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR SENATOR MURKOWSKI: In January 1996, Secretary Babbitt announced that it was the Department of the Interior's (DOI) intent to rewrite the 3809 surface management regulations for hard rock mining. I have followed the process of regulatory development, and am greatly concerned that this rewrite is an attempt by DOI to interfere with and override state regulatory programs that currently have jurisdiction over hard rock mines.

New Mexico's hard rock mining law is one of the best in the country, and has jurisdiction over mines on federal, state, and private lands. The draft regulations DOI has proposed are not more stringent than those of New Mexico, but they could create significant problems for our program and our mines by imposing conflicting requirements, and establishing an unnecessary process for oversight and program certification.

Recently, one of my colleagues, Governor Bob Miller of Nevada testified at a hearing in the Senate Energy and Natural Resources Committee in Washington, D.C. that there had been no demonstrated need to proceed with a rewrite of the 3809 surface management regulations. He suggested further that an independent reviewer, such as the National Academy of Sciences, should evaluate the current federal and state regulatory regime to determine if there are deficiencies that need to be addressed.

Despite frequent requests from the concerned states, DOI has not provided any evidence that the current 3809 regulatory structure is not working. Problems with 3809 are largely anecdotal, and commonly related to abandoned mines, which would not be addressed by the proposed rewrite. New Mexico and other western states have filled in the gaps they perceived in 3809 with state laws. New Mexico has an excellent working relationship with the federal land managers, and together we are doing a good job regulating the mining industry. The evidence is before us daily. It appears most appropriate that DOI should assemble this evidence, present it to your committee and allow our elected representatives to decide what is best for the states they represent.

This process of regulatory development cries out for a concrete foundation to justify the time and expense that all parties are committing to it. I appreciate your continuing interest in this matter, and hope you will consider requesting DOI or another reviewer to provide that foundation before the process moves any further.

Sincerely,

GARY E. JOHNSON,
Governor.

Mr. REID. Mr. President, we had testimony taken at Chairman MURKOWSKI's hearing in the Committee on Energy and Natural Resources of a number of different people. I ask unanimous consent that it be printed in the RECORD, together with a letter from the Western Governors.

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

EXCERPT FROM A HEARING HELD BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT, TUESDAY, APRIL 28, 1998

STATEMENT OF HON. BOB MILLER, GOVERNOR OF NEVADA

GOVERNOR MILLER. Thank you very much, Mr. Chairman. In many respects, I can just say "ditto." In any case, I do appreciate the opportunity to join Nevada's two Senators, Harry Reid and Dick Bryan, to testify today on this legislation.

This is not the first time I have spoken to this committee about the need to bring reform to the Nation's mining law, a law that was enacted 125 years ago, in 1872. For example, in 1993, I expressed my opposition to Senate bill 257, the Mineral Exploration and Development Act. Since then, there have been several attempts to resolve the debates regarding the reform of the 1872 mining law.

While reform measures are never easy, I appreciate this committee's persistence in trying to find common ground.

I opposed S. 257 for the same reason that I oppose S. 326 and S. 327 today. These bills threaten the survival of one of Nevada's mainstay industries, an industry which is critical to the economic health of many rural communities.

It is well known that Nevada was founded on mining. What may not be as well known is that Nevada continues to be a world leader in gold production and produces the most silver, magnesite, and barite in the Nation. Remarkably, Nevada has achieved these production levels and is arguably the most environmentally responsible mining region in the world. Yet, I do not advocate the status quo.

Congress and the States should continue to work with the industry and the environmental community to minimize mining's effects on the land and on other land users.

All of us here today are concerned about mining reform, the industry, and the environment. The questions of a fair patent law to the taxpayers, mining contribution to the Federal Treasury through a royalty and the environmental responsibility of mining operations are all legitimate concerns.

We must weigh these concerns with the knowledge that the mining industry is an important contributor to the Nation's economy, and to my State's economy in particular.

Nevada's mining renaissance has created approximately 13,000 jobs directly related to mining, with an additional 45,000 jobs indirectly related to the industry. These are high paying jobs that average close to $50,000 per year.

Rural communities, such as Austin, Carlin, Elko, and Winnemucca, are all dependent on a vibrant mining industry. As all of you wrestle with these issues, I would hope that you would keep in mind those communities and those families who built a future around a moderate, environmentally sensitive mining industry.

I believe that S. 1102, the Mining Law Reform Act of 1997, shows significant progress toward resolving the debates about mining law. While minimal change could be made to the bill, it is time to reach finality.

For too long, the mining industry has operated with uncertainty about the future of mining law. The industry must account for many variables that have profound effects on our communities. The price of gold, for instance, is testament to the vulnerability of this industry in an ever changing global market.

Since July of 1997, the U.S. has lost 2,200 operational jobs from the mining industry as a result of the drop of the price of gold. Over the past 4 months, approximately 680 jobs have been lost in Nevada.

To illustrate the point, the market value of gold is hovering at around $300 per ounce. In comparison, production costs per ounce of gold average at best in Nevada between $260 to $280 per ounce. Many mines throughout the Nation operate at well over $300 per ounce. It is imperative that we minimize the variables and eliminate the uncertainty about mining reform.

While I am familiar with the contents of each of these bills, I will confine my comments to some of the broader aspects of each as they relate to the reform of mining law.

There are mining law experts here today, obviously, who can go into much greater depth.

First, I would like to make some brief remarks about the Department of Interior initiative to amend its reclamation regulations, termed the 3809 regulations, which I am sure the Secretary will address in a few moments.

Since the beginning of this initiative, I have questioned the legitimacy of, in essence, changing mining law through an administrative process. I not only have had questions about the motivations, but, moreover, I have had concerns about the process by which the Department of Interior is amending these regulations. But after repeated complaints about the process through the Western Governor's Association, where we have a nearly unanimous vote on this issue, the issue of process has been dealt with.

However, I continue to have substantive concerns with regard to the direction in which the proposed amendments are going. In short, Interior is moving the responsibility for environmental oversight of mining operations in my State and other States to here in Washington, D.C.

This attempt at seizure of control by Interior is particularly perplexing in view of the fact that many States, especially Nevada, have moved aggressively to address the environmental concerns of mining operations.

To date, there has been no real justification offered by the department regarding the need to make changes other than—and I quote a memo of January 6, 1997—directing the department to begin the process of drafting such regulations. It states: "It is plainly no longer in the public interest to wait for Congress to enact legislation that corrects the remaining shortcomings of the 3809 regulations. Instead, the time has come to resume the process of modernizing the 3809 regulations first promised at the end of the Carter Administration and begun at the end of the Reagan Administration. To that end, I direct you to restart this rulemaking process by preparing and publishing proposed regulations."

During my tenure as Governor, I have overseen the adoption of Nevada's State law requiring reclamation of all lands disturbed by mining. My State has also developed comprehensive regulations governing water quality standards of mining operations. These requirements are working well because they were crafted with a great deal of cooperative effort by the environmental community, the mining industry, and State and Federal regulators.

Instead of proposing changes without sufficient justification, Interior should work with the States, the industry, and the environmental community to pinpoint the possible needed modifications regarding reclamation.

Or perhaps Congress could help us with this impasse by requesting an independent evaluation of the 3809 regulations by a third party, such as the National Academy of Sciences.

I believe that this type of study would determine that Nevada's reclamation law could serve as the model for the rest of the States.

On two separate occasions, the United States Environmental Protection Agency has praised Nevada for its hardrock mining regulatory program, declaring that, "Nevada's regulations are considered to be among the best, the most comprehensive, and several gold mining States now have or are developing similar requirements."

The preferable solution to the 3809 debate is the passage, in my opinion, of S. 1102. The sponsors of this bill wisely propose a comprehensive approach to mining reform which offers reasonable answers to all of the major issues, including permitting and surface management, royalties, patents, and abandoned mines.

On the other hand, S. 326 and the Abandoned Hardrock Mines Reclamation Act and S. 327, the Hardrock Mining Royalty Act are piecemeal remedies that resemble previously proposed legislation which Nevada and this committee have consistently found unacceptable.

The mine permitting and surface management provisions within S. 1102 will conform to those activities already being conducted by our State regulators, as well as the U.S. Bureau of Land Management. S. 1102 defers to existing State reclamations and bonding requirements where they meet the intentions of the Federal act. And the bill references the other State and Federal acts already used to regulate mining activities with respect to the environment.

One of the most widespread criticisms of the 1872 mining law is its lack of royalty. S. 1102 details a methodology to collect a 5 percent net royalty proceeds that is fair to the public and the industry. This royalty, as you stated, Mr. Chairman, closely resembles the State of Nevada's net proceeds system, which has proven to be highly effective.

Nevada's system generates millions of dollars annually, approximately $29 million during Fiscal Year 1997 alone. The administrative cost of our program is about $200,000 annually, or ½ of 1 percent of the revenue.

S. 327's 5 percent net smelter royalty return would cripple the production of minerals by taxing anywhere from estimates of 92 percent to 98 percent of a mine's gross income. In addition to the serious, immediate negative impact, the long-term effects are significant because the growth of the industry would likely halt or be limited due to the high royalty level.

Congress should focus on placing royalty on the value of Federal mines after costs associated with finding and producing those minerals are subtracted. Such royalty would be on the value of the mineral in the ground, before any additional value was added.

A royalty has to be found that does not close mines and stop new development. I believe that S. 1102 passes that test.

While S. 326 has no royalty provisions, it would charge a reclamation fee which would be in addition to other royalties, such as proposed in S. 327, thereby creating an even greater burden on miners. The appropriate vehicle to fund abandoned mine clean-up is found also in S. 1102.

The patenting is an essential means to insure the production of minerals. Patenting mitigates the risk of losing the substantial financial investments taken by mining operations during the often long permitting periods.

While S. 327 would abolish this necessary security process, S. 1102 would change the patent prices to reflect the value of today's public land. It would wisely halt the $2.50 to $5 per acre fee and sell the patent for the surface land's fair market value, which I think you addressed also.

Reclaiming Nevada's abandoned mines is a tall task, one which the State has aggressively worked to address. With funding through modest assessments on the industry which have been supported by the industry, Nevada has been able to secure over 4,000 abandoned mine sites. Yet there are thousands more sites that need attention to prevent risk to public health.

S. 1102 establishes an acceptable funding mechanism to continue this effort and to secure dangerous sites.

Senator Craig has addressed the major issues pertaining to mining law reform in a way that is good for the public, the environment, and the industry, and I compliment him and all of the other sponsors for their work in support of reasonable mining reform.

As this committee and the Senate further address this issue, I hope that you keep in mind, as I said previously, the communities that rely on mining. This industry has built towns and communities throughout the West which need to be kept at the forefront of the thought process as you proceed with this issue.

Thank you very much for the opportunity to appear, Mr. Chairman.

WESTERN GOVERNORS' ASSOCIATION,
Denver, CO, September 15, 1997.

Hon. HARRY REID,
Senator, Washington, DC.

DEAR SENATOR REID: We, the undersigned, thank you for your efforts and support to include states with hard rock mining on public lands as co-regulators in the Bureau of Land Management's current 3809 rulemaking process. We commend you for highlighting that states have legal jurisdiction, concurrent with the Secretary of the Interior's jurisdiction, to regulate activities on the public lands.

As you know, the states impose strict controls on mining activities on both public and private lands within their borders. Our states work closely with federal land management agencies—often through cooperative agreements—to ensure that mining activities are comprehensively regulated to control environmental impacts. These federal-state partnerships should be preserved not disrupted by new federal regulations adopted without the appropriate justification or state input.

Representatives of the Bureau of Land Management and the Department of Interior did consult with western state mining regulatory staff prior to the formal scoping meetings for developing an Environmental Impact Statement for the proposed rulemaking. However, it became clear during that meeting that BLM's rulemaking was undertaken not because of identified problems on-the-ground but because there was direction to do so from the Department of Interior. It appears that direction essentially is framing the rulemaking rather than a conclusive study such as that called for in your amendment. Attached for your information is a copy of state comments to the Department summarizing the issues raised at that meeting and a copy of a resolution western governors adopted on the subject in June.

We want to bring to your attention the fact that the Unfunded Mandates Act of 1995 exempted from FACA consultations between state and federal governments that involve their intergovernmental responsibilities and administration. We support that exemption. Your amendment's creation of a unique advisory committee for the purpose of a joint study, however, does not appear to undermine the exemption created by the Act.

In closing, we support your amendment because it recognizes our concerns about the states' role as co-regulator and it stresses the need to avoid regulatory duplication. We will make our staff available to the Department of the Interior as well as committees of Congress to ensure that we work together to protect the environment in a coordinated, cost-effective manner.

Thank you, again, for the interest you have shown in the states' role in environmental management and regulation.

Sincrely,

BOB MILLER,
Governor, State of Nevada.

PHIL BATT,
Governor, State of Idaho.

GARY JOHNSON,
Governor, State of New Mexico.

JANE DEE HULL,
Governor, State of Arizona.

MIKE LEAVITT,
Governor, State of Utah.

MARC RACICOT,
Governor, State of Montana.

ED SCHAFER,
Governor, State of North Dakota.

JIM GERINGER,
Governor, State of Wyoming.

Mr. REID. Mr. President, what we have to realize here is that this is an effort to be fair. The language in the bill calls for a study by the National Academy of Sciences. I repeat. We have not asked them to find in any certain way. Whatever they come up with is what we will go along with.

I think that we owe the American people an honest debate about the current regulations for hard rock mining and all the disasters that have gone on in the past. There are a number of Superfund sites. That is one reason Superfund was passed—because of environmental degradation that had taken place in the years gone by. Mining was part of that. We are not part of that anymore. I think that is good.

We owe the American people an honest debate about the current regulations of hard rock mining. We owe them the opportunity to know about mining, and for the first time the truth about the environmental practices employed by modern-day mining—not what went on 30 years, 40 years, 50 years, or 100 years ago. We owe the tens of thousands of Americans who make a living at mining—or some occupation that relies on mining—to know that certainly their jobs will be there when they show up in the morning.

I say to everyone within the sound of my voice mining affects more than the people that go down in the Earth or into the open pits. It affects more than them because we have industries all over America that rely on mining. These huge trucks that haul the ore out of the open pit operations cost over $2 million. To replace the tires on one of those trucks costs over $25,000 each. Underground operations are very expensive. That equipment comes from other parts of the United States other than the western part of the United States.

This industry is important to the economic viability of this country. There is no one in this body, the Department of the Interior, or the mining industry that can predict the outcome of the review conducted by the National Academy of Sciences. I can almost assure you the results will be fair. That is all we are asking.

But let me say that I think we should approach this on a nonemotional basis. When the study is completed, we will go forward as indicated in the language that is in this bill with whatever they recommend.

Mr. President, it is important that this amendment fail. It is not good legislation. It is something we have debated time and time again—just in a different setting.

I ask my colleagues to join in doing what is right for an industry that is very important to the economic viability of this country.

Mr. MURKOWSKI. Mr. President, might I ask what time remains on either side? Senator BUMPERS is controlling the amendment.

The PRESIDING OFFICER. Each side has approximately 38½ minutes remaining.

Mr. MURKOWSKI. I thank my colleague, the Senator from Nevada. I yield time to Senator BRYAN.

Mr. BRYAN. Mr. President, I thank the chairman.

Mr. President, I rise in opposition to the BUMPERS amendment.

This past summer, as I have each summer since being a Member of the Senate, I spent most of my time in what we in Nevada refer to as "cow county" in rural Nevada. Most of that time I spent in places that are not widely known outside of Nevada. I was in Wells, Wendover, Elko, Battle Mountain, Winnemucca, Lovelock, Ely—some of the smaller communities in our State, but communities that are very dependent upon mining as the principal base of their economy.

In the northeastern part of our State, as a result of the situation that relates to the international pricing of gold at or near record levels over the last 20 years, these communities are hurt. These are good-paying jobs of $46,000 or

$47,000 a year with the full range of health benefits. They are premier jobs. These communities are hurting. Sales tax collections are down.

So this is a major concern about what is happening to the principal economic base in the northeastern part of our State, which is a mining industry.

I rise in opposition to the amendment offered by my friend and colleague from Arkansas that would prevent the National Academy of Sciences from studying Federal and State environmental regulations applicable to hard rock mining on Federal lands.

As many of my colleagues from the West are aware, the Interior Department is proposing major revisions of the regulations that govern hard rock mining on public lands known as 3809 regulations. The regulations were originally promulgated in 1980 and require miners to submit plans for operations for approval by the BLM. The existing regulations require mine operators to comply with all Federal and State environmental laws and regulations, require that lands disturbed by mining be reclaimed, and require that bonds be posted to assure that reclamation is complete.

The State of Nevada has one of the toughest—if not the toughest—State reclamation programs in America. Nevada mining companies are subject to a myriad of Federal and State environmental laws and regulations, including the Clean Water Act, the Clean Air Act, and the Endangered Species Act, among many others.

Mining companies must secure literally dozens of environmental permits prior to commencing mining activities, including a reclamation permit, which must be obtained before a mineral exploration project or mining operation can be conducted.

Companies must also file a surety or a bond with the State and the Federal land manager in an amount to ensure the reclamation of the entire site prior to receiving a reclamation permit.

Let me just say parenthetically that both as Governor and Senator I have been to these mining locations for many, many years. Mining today is much different than mining was even a generation ago, and much, much different than it was a century ago.

Some of the well-advertised misdeeds of mines in the past have to be freely acknowledged as something that is a source of major concern in terms of its environmental impact. I think it is an embarrassment to the modern-day mine manager whose philosophy and approach is much different and who is sensitive to the concerns as to the environmental impact. That represents the new Nevada and the mining operations that exist in my State with which I have firsthand familiarity.

A number of the Western Governors, including our own Governor of Nevada, Governor Bob Miller, have expressed genuine concern about the 3809 rulemaking—that it will unnecessarily duplicate existing Federal and State regulatory programs. Governor Miller, in his testimony before the Senate Energy and Natural Resources Committee earlier this year, suggested that Congress call for an independent evaluation of the need to revive the 3809 regulations, and made the suggestion that the National Academy of Sciences would be an appropriate organization to conduct a sufficient study. I concur. The academy has a preeminent reputation for fairness and balance. This is not a committee that is associated with the mining industry, nor controlled directly or indirectly by them.

I am pleased that the Appropriations Committee saw fit to follow the suggestion of Governor Miller, because I must express that I, too, have serious questions concerning the need for the Interior Department's proposed regulations and revisions. The current 3809 regulations require compliance with all existing Federal and State environmental standards and requirements, including the Clean Water Act, the State water quality standards in particular.

The Interior Department proposes to add a new layer of requirements on top of existing laws for both surface and ground water which extends beyond the agency's regulatory reach—far beyond management and protection of Federal lands. These proposed rules, if adopted, would result in inconsistent or duplicative water quality standards or technology requirements because BLM can no longer accept State or EPA determinations as compliance with the 3809 regulations. I must say it is somewhat ironic that the duplication of existing Federal and State water quality programs resulting from this proposal will, in my judgment, impose substantial additional costs on the Bureau of Land Management without any corresponding environmental benefits.

The proposed regulations allow States to continue the common practice of joint administration of mine regulation—and this is significant—but impose unrealistic demands for Federal approval of State programs. The Interior regulations will effectively federalize reclamation laws in all of the Western States even on non-Federal land because the States must amend their laws and regulations to comply with the Federal model in order to enter into an agreement for joint administration. Interior has proposed this requirement without any showing that existing State reclamation laws and programs are inadequate.

And finally, the proposed regulations include numerous additional procedural and substantive requirements that will encourage delay in mine permitting and appeals and litigation over permitting decisions. It is clear that the Secretary of Interior is attempting to rewrite the mining law through the regulatory process. I share the Secretary's desire to update the mining law, and I would say for the record that Nevada's mining industry is in the forefront of recognizing that the mining law of 1872 needs to be updated. But that is a job for Congress, not unelected bureaucrats. I am hopeful that the discussions that have been occurring between my colleague, Senator BUMPERS, and the mining industry will lead to an agreement on mining law. In the interim, however, I think it is important that we allow the National Academy of Sciences to assess the need for the Interior Department's proposed regulations, and for that reason I urge my colleagues to defeat the Bumpers amendment.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. How much time remains on this side?

The PRESIDING OFFICER. The Senator from Alaska controls 30 minutes 20 seconds.

Mr. MURKOWSKI. I thank the Chair. And remaining on the other side is?

The PRESIDING OFFICER. Thirty-eight minutes 35 seconds.

Mr. MURKOWSKI. I thank the Chair. I will accommodate the Senator from Arkansas if he desires to speak at this time.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. My good friend and colleague from Alaska, Senator MURKOWSKI, mentioned the fact that I come from a State where poultry is a big industry, which, indeed, it is. And they have been taking a lot of hits lately. Tyson Foods, which is by far the biggest poultry company in the United States, has been fined by the State of Maryland, been made to change their operations. The Secretary of Agriculture announced last week that we need a totally new set of regulations dealing with animal waste, including poultry. They are subject to all kinds of regulations. I have been here for 24 years now, and I defy any Senator to tell me one time I ever objected to a regulation that dealt with the environment where the poultry industry was involved. I wonder if the Senator from Alaska would tell us how he would feel if I came in here knowing that the poultry industry was creating an environmental disaster and said, well, I want 27 more months to study it—if last year I came here with a proposal saying you can't do anything to the poultry industry until every Governor in the country or every Governor whose State has poultry signs off on it, and, once you get that in place, say, well, all the Governors have to be consulted, and you get that in place, and then I come back and say, no, we need 27 more months to study it.

I don't know how people would react to that. I expect rather severely. But I will tell you one of the differences. Very few States have hard rock mining on Federal lands.

Incidentally, I might just at this point say, Mr. President, there was an editorial a couple weeks ago in the New York Times entitled "Time for Mining Law Reform." I ask unanimous consent to have that printed in the RECORD.

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

TIME FOR MINING LAW REFORM

With very little fanfare, the White House recently released a three-paragraph statement announcing the formal transfer of the New World Mine site to the United States Forest Service. Thus ended, officially and happily, a four-year struggle to prevent a Canadian mining company and its American subsidiary from building an environmentally treacherous gold mine near the border of Yellowstone National Park. But the forces that defeated the mine, including the Clinton Administration, have one more task ahead of them. That is to overhaul the 1872 Mining Law, the antiquated Federal statute that made it so easy for the company to acquire the mine site in the first place.

Signed by Ulysses S. Grant to encourage Western development, the law gives mining companies virtually automatic access to Federal land and allows them to take title to that land for a few dollars an acre—a process know as patenting. The law does not provide for "suitability" review to determine whether the mining operation could cause unacceptable environmental damage. It also allows companies that mine hard-rock minerals like gold and platinum to escape any royalties similar to those paid by companies that extract oil and coal from Federal lands. Finally, the law does not require companies to clean up abandoned sites. According to the Mineral Policy Center, an environmental group, a century of unregulated mining has left behind 557,000 abandoned mines, 50 billion tons of waste and 10,000 miles of dead streams.

Powerful Western senators have always managed to block reform. Nevertheless, Senator Dale Bumpers, long a champion of reform, plans to use his final months in office before he retires to push for something meaningful on the books. The Arkansas Democrat has offered three related bills that would end the patenting system, impose a royalty on the minerals the mining companies extract and use that money to begin cleaning up old mine sites.

The proposed environmental safeguards could be stronger. There is, for example, no suitability provision that would allow the Government to insulate certain lands from any mining at all. This is a serious flaw, but years of legislative futility have persuaded Mr. Bumpers that to insist on such safeguards would doom even the modest reforms he has proposed. He also believes that ending the patenting system—which effectively allows mining companies to privatize public lands—would make a big difference because it would expose the companies to Federal environmental regulations they can now safely ignore.

Mr. Bumpers concedes that those regulations need to be made stronger, a task that Bruce Babbitt, the Secretary of the Interior, has pledged to undertake. The ever-resourceful Western Republicans have also anticipated that threat, saddling this year's Interior appropriations bill with a rider blocking Mr. Babbitt from issuing stronger rules for at least two years—at which point they hope to have a less conservation-minded secretary running Interior. That is one more reason for President Clinton to veto that bill, which is loaded with other destructive riders. Meanwhile, the Senate should approve the Bumpers proposal, which, despite its flaws, represents real progress. Its passage would give the victory at Yellowstone lasting resonance.

Mr. BUMPERS. This says exactly what I have been saying, and that is, the President ought to veto the Interior Appropriations bill if my amendment is defeated. And I personally think he will.

With all these disasters which I have addressed, all we have had is one delay after another. In 1993 they said, "Well, we are working on a mining bill," and in 1994 the same people who said we are working on a mining bill and we should not deal with these regulations did everything they could to stall until 2 weeks before we were to go home to make sure there was no mining bill.

And then last year they said, "We want all the Governors to have a say in this. Don't put a regulation into effect that prohibits the leakage of cyanide from a gold mining site unless all the Governors have signed off on it." They backed off that and they said, "Well, they have to be consulted." We said, "Fine, they ought to be consulted." So they were consulted. And the president of the Western Governors' Association told the Senate Energy Committee that "We have been consulted." So what do they do then? They come back and say, "Well, now we want the National Academy of Sciences to study the regulations"—anything under God's sun to keep from dealing with an unmitigated disaster.

Why are the people of America indifferent? They don't even know about it. There is no hard rock mining in my State. I am not running for reelection, but if I were running for reelection I wouldn't get any votes in my State out of this issue. As Gilda Radner used to say—"if its not one thing, its another." And the Senator from Alaska alluded to the fact that I had, indeed, been working with the National Mining Association trying to craft something to reform the 1872 law that Ulysses Grant passed and has been such an unmitigated disaster for this Nation. Think about a law still on the books that Ulysses Grant signed to encourage people to go West. Is that a legitimate reason for allowing this 126-year-old bill to stay on the books—encourage people to go West? That is what we are dealing with.

And the Senator from Alaska said he and Senator CRAIG had a bill, and I asked them not to bring it up. That is true. I did that because I thought we were going to make a deal. The Chairman of the National Mining Association—who is a very fine, honorable man, in my opinion, a man of immense integrity—and I worked extremely well together. We were honest with each other, and our staffs developed a draft proposal. Unfortunately, that was before we ran it by the Western Senators. Two Western Senators said we can't do this. And the Senator from Alaska said the reason they didn't bring up the bill he and Senator CRAIG crafted was because he thought we had a deal. I thought I had a deal, too.

The bill they wanted to bring up, the bill they crafted and they said it was too late to bring up, let me tell you what it would do. It says, first, that environmental regulations promulgated by the Secretary of Interior cannot be stronger than the State where the mine is located. Think of that. There is no point in even having a Federal regulation. Each State would be a king with regard to mining on Federal land. Every State would determine what the environmental regulations would be, because the Federal regulations promulgated by the Secretary of Interior could be no stronger than the State regulations of a particular State where a mine was located.

How foolish can you get? And, when it came to the royalty, they would grandfather every mining company holding a valid claim. There are 300,000 claims in this country. If you grandfather everybody who has a valid claim, you would not collect enough royalties in the next 30 years to buy a ham sandwich. There is nobody to pay it. After all, people have been buying Federal lands for $2.50 an acre for the last 130 years. You cannot charge them a royalty because they own the land. We sold it to them for the princely sum of $2.50. So when you take all of them and everybody else who turns up with a valid claim, there is nobody left to pay a royalty.

Mr. President, let me make a philosophical point. I am an unabashed, card-carrying, hardened environmentalist. In 1970, when I ran for Governor in my State the first time, the environment was just then becoming an issue in this Nation, albeit a fairly low key one. But it made a lot of sense to me, based on what I had read, and so I began to talk about the environment. I began to talk about Arkansas' magnificent rivers and streams and how they were being polluted. I began to think.

In 1966, I went fishing on the Buffalo River, the most beautiful river in America. It was so magnificent. I had no idea that my own State had such a treasure. Two nights we camped out on a sandbar. We ate and we drank and we created a lot of garbage, and the tour guide took all the garbage that we created and put it in a plastic bag, waded out as far as he could into the river, and tossed it. And nobody thought a thing in the world about it. Finally,

after a little bit of that, somebody began to raise the question about the Buffalo River being polluted.

To shorten the story, we made it a national scenic river. It is a pristine, clean river. People come from all over the world just to camp out on the banks of the Buffalo or to fish the Buffalo. It was not even popular with the local people when we made the Buffalo River a national treasure, and today there is not anybody up there who would go back to the old ways. So, yes, you are being addressed by a card-carrying environmentalist.

Do you know the other reason? I have three children and six grandchildren. We talk about how much we love them, how they are our most precious possession, how our whole life is calculated to make life more pleasant for them, and then we come in here to vote for trash like this.

We only have one planet. God, in his infinite wisdom and in the heavens, gave us one planet to sustain us forever. Not next week, not next year—forever. We say, "Well, God certainly didn't mean to stop putting cyanide poison into our underground aquifers and our streams and rivers, because there are jobs involved in this. God didn't intend that." No—that is how specious the arguments are that I have been listening to this morning. So you only get one chance to preserve the planet.

You can buy these arguments about, well, what is wrong with the National Academy of Sciences studying the rules for mining? Nothing, except they have already studied it. Everybody studied it. There are GAO reports galore. If the National Academy of Sciences is so important to us, why was it not mentioned last year, and the year before and the year before that? It is a nicely crafted idea, because at the fundraisers, if anybody raises the question, you can say, "What is the problem with the National Academy of Sciences—it is a very prestigious organization—studying the rules on how we are going to mine?"

It would not take 27 months. Mr. President, 27 months is carefully calculated to take us past the Presidential election of the year 2000.

Mr. President, I ask unanimous consent the Senator from Wisconsin, Mr. FEINGOLD, and the Senator from Louisiana, Ms. LANDRIEU, be added as cosponsors.

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

Mr. BUMPERS. Mr. President, Bill Clinton, my friend from my home State of Arkansas, has been taking a lot of trashing lately, a lot of it richly deserved. I am not here to defend the President. But I will tell you one thing. You can say a lot of things about him but you cannot say he is not an environmental President. I will tell you what I think he will do. I think he will follow the advice of DALE BUMPERS and the New York Times and veto this bill if this amendment is defeated. I can tell you I don't care how weak he is, I don't care how disturbed he is about all of this, I don't care how disturbed the American people are, I promise you there is one thing about him that he will not yield on and that is the environment; and for the very same reason nobody in the U.S. Senate ought to yield on it.

I know it is painful. I know companies are put upon because of the environment. But, when you think about what has happened to the environment over the past 300 years of history in this country, it is time we implement strong measures.

Did you know that the rules right now say that you cannot even regulate a mine of 5 acres or less, you can go out and create all the damage you want to on 5 acres? That is a pretty good spread for some mines. In the State of Nevada, there are 2,400 mines of 5 acres or less. Here is a letter from the BLM office in Reno, NV, to an assemblywoman in Nevada, about these 5-acre mine sites. The BLM says:

> Since enactment of BLM's surface management regulations in 1981 [that's the one we are still trying to live with, put in effect in 1981, since the regulations in 1981] the BLM in Nevada has processed nearly 10,000 notices. Currently, there are approximately 2,400 active notice-level operations in Nevada. There have been many environmental and operational problems associated with the smaller operations in Nevada.

We aren't talking about 1872. We are talking about May 1, 1997. Let me repeat that.

> There have been many environmental and operational problems associated with the smaller operations in Nevada.
>
> In summary, there are 90 exploration or mining sites of five acres or less in Nevada where a reclamation bond would have either probably prevented a new modern-day problem from developing or would have been used to reclaim an environmental problem.

You can defend that if you want to if you are from Nevada. That is your privilege. Do you know something else? The Federal regs of 1981 are just like the Nevada law. We exempt all mines of 5 acres or less. Thousands and thousands of them are exempt under Federal regulations. And you think that doesn't create environmental havoc?

Mr. President, I am not terribly optimistic about my chances of succeeding today. Last year, happily, we were able to work out an arrangement where we said we will consult with the Western Governors. Nobody mentioned the National Academy of Sciences last year. I have been in the Senate 24 years and ever since I have been on this issue, nobody has ever mentioned the National Academy of Sciences. But somebody cleverly came up with the idea and said, "At your fundraisers, you can always defend yourself; you can say, 'The National Academy of Sciences did a study on that.'" I sure hope they come up with a good set of regulations. I yield the floor, Mr. President.

Mr. MURKOWSKI. Mr. President, how much time is remaining on both sides?

The PRESIDING OFFICER. The Senator from Alaska has 30 minutes remaining, and the Senator from Arkansas has 19 minutes 30 seconds remaining.

Mr. MURKOWSKI. Mr. President, I yield such time as my friend and colleague from the State of Idaho might need, reserving at least 5 minutes for myself.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank my colleague from Alaska, the chairman of the Energy and Natural Resources Committee, first of all, for the leadership role he has taken over the last good number of years to try to bring reform to the 1872 mining laws.

For some reason, the Senator from Arkansas would like to portray that mining is a rogue industry in our Nation that goes unregulated, outside environmental regulations, and he cited today 5-acre mine sites. They are not outside the environment, they are simply outside a plan of operation. My guess is, one could find piles of chicken manure in that State that violate environmental laws that are less than 5 acres that are not controlled. Does that sound silly and facetious on my part? Yes, it does, and I apologize to the Senator from Arkansas for saying it, but I want him to understand that when he makes a statement like "5 acres, rogue, out of control," it is not true. It is not true in my State that has very tight environmental laws, and it is not true in other mining States.

What the Senator from Arkansas would like to have you believe in his compassionate statements about mining is that somehow these impact his State. His State is not a mining State, per se. Mine is. The Senator from Alaska has a mining State. The Senators from Nevada have a mining State. Those States have had mining for over 100 years, and some of that mining they are not proud of, or I should say, were not proud of.

In the sixties and the seventies and the eighties and the nineties, those States began to take control of their own environmental destiny, in part urged by the Senator from Arkansas, no question about it; in part, a product of the National Environmental Policy Act; in part a product of the Clean Air Act; in part a product of the Clean Water Act. All of those came together to shape plans of operation and new mining strategies for this country. I will tell you what it did in my State. It cleaned up a lot of messes, messes by the definition of today's environmental standards and ethics, not definitions by mining and environmental standards of 70 or 80 years ago.

Why is the Senator standing up here this morning painting the world as if it were black, most importantly, painting the world of mining as if it were a disaster? The Senator from Arkansas knows it just "ain't" so, but this is one of his causes celebres which you and I have heard on this floor—and I serve with him on the committee—for a long, long while.

What is the essence of this administration's attempt to rewrite the 3809 regulations? My guess is that Secretary Babbitt and Solicitor Leshy are creating a solution for a problem that doesn't exist, or more importantly, creating a solution that plays to their political base and hoping there is a problem out there to which they can attach it. I have a feeling that down underneath all of this, this is just about the whole of the problem that we are attempting to debate on the floor today.

There is no question that this Senator, the Senator from Alaska and a good many other Senators want responsible mining law and we think, in large part, we have it, because the old 1872 mining law in one court case after another, after another, after another, after another, after another, piled up over 100-plus years, has transformed the world of mining in this country into not only the significant industry it is, but the environmental-sensitive industry that it is today.

Yet, the Senator from Arkansas and others love to drag out 20-year-old pictures and 20-year-old stories as if they had just happened yesterday and say, "Oh, look at these pictures and read this story; isn't it terrible what the world of mining is doing to the clear and pristine lakes and rivers of our country?"

Let me tell you the mining story, the pictures and the story today about those clear and pristine rivers. They were not once clear and pristine. Mining tailings were dumped into them, and the rivers in my State, in one instance, ran murky the year round. But today the Coeur d'Alene River, flowing down through the major mining district of my State, runs clean. Fish propagate in it. Kids swim in it.

That wasn't true 20 years ago. It was a combination of Federal and State effort that produced that. But most importantly, it was the ethics of the citizens and the government of the State of Idaho that said as a mining State, we have to do it right, and that is what Western Governors are saying today to this administration and to the Senator from Arkansas and to a lot of others who like to use this as their political base.

Look at the politics of it, sure, but look at the reality of what we are doing. All of these States have very tight laws and regulations today. You heard it from the Senators from Nevada, one of the top mining States in the Nation today, employing tens of thousands of people and bringing hundreds of millions of dollars into our economy. They are doing it right. They are doing it under all of those environmental laws that were passed on this floor in the sixties and the seventies and the eighties, and they are not backing away from them or trying to shrink from those laws. They are trying to improve them and better them.

So why is the Secretary of Interior and his Solicitor and the Senator from Arkansas looking for a solution to fit a problem that doesn't exist? I am not sure. I already suggested it does identify with their political base, but I am not so sure it identifies with the real world, especially if a former Governor, who talks about how his State has done so well, believes that States ought to have powers and rights in these areas.

He and I have worked very closely together over the last several years to reform the 1872 mining law and to attempt to empower those States in cooperation with the Federal Government to assure that that relationship and those kind of dynamics continue. On that I don't disagree with the Senator from Arkansas, but I do disagree with the Federal Government and its heavy hand ignoring the States' Governors until we shove them into beginning dialog with them on the reform of these rules.

Most of the Western Governors, however, who have problems, who are working well with respect to mining operations within their boundaries, want the BLM to do a couple of things with any modification in regulation; and yet most Governors say they have not been worked with well, they have not been listened to, and if you do not do major things, that it will not happen.

Again, the heavy arm of the Federal Government will come down against States. Once again, we violate or at least we ignore the Constitution of our country, all in the name of a current political cause that does not seem to exist much more today because we addressed it a long time ago. That is the essence of the amendment to the Interior appropriations bill by the Senator from Arkansas.

What did we do this year? Because of the difference between the Department of Interior and the Governors—the Western States Governors primarily—we have said, "Let's get the National Academy of Sciences, an impartial group, to step in between and examine this solution looking for a problem."

They are impartial. Both sides, I think, would respect their integrity. And let us see how much of a problem there is out there. Let us scope the magnitude of it before we bring down the heavy hand of Government and put thousands of people out of work or risk putting thousands of people out of work and destroying some significant economies in many of our Western States.

That is really the essence of what we do here today. It isn't that the Energy and Natural Resources Committee has not been diligent. The Senator from Arkansas has been diligent. We just cannot agree. We have fundamental disagreements. I want mining. I want it alive and well and creating jobs in my State—minerals and metals for the economy. And I am not so sure that that is what he wants. Or at least he wants it in a way that largely causes the investors in my State to go offshore to make those investments—under the same environmental standards that they would make in this country except they avoid the burdensome multiyear regulatory process of a Government that really does not care about the economies of investment and jobs because the cause they lift themselves to is a cause higher.

That is the issue of this amendment. When you have a dispute between two concerned parties—and we do here; the Senator from Arkansas and I and others just fundamentally disagree—what is wrong with bringing an impartial body in between us to examine the problem that by my estimation does not exist and by the estimation of the Senator from Arkansas does exist?

What is wrong with bringing an impartial body to the fore for that purpose? That is exactly what the Interior Appropriations Subcommittee thought ought to be done, in consultation with the chairman of the full authorizing committee, the Senator from Alaska. That is what we are doing. And that is why the Senator from Arkansas is trying to stop it, because it might bring about a solution that works. And it would deny this administration the right to slash and burn and destroy a mining industry that they did not like out there on the public lands to begin with.

Secretary Babbitt has not been bashful. Every time he has to comply with the law, he gets on a soap box and degrades it and says that he is being forced to do certain things. Well, it is terrible when you are forced to abide by the law. Why should you shun it? But then again, I, as chairman of a subcommittee, the Senator of a full committee, and the Senator from Arkansas have invited Secretary Babbitt to the table for the last 6 years to work out these problems. And their answer is, "No. It's to our advantage to have the politics of it, not the solution to it."

That is the essence of the debate here on the floor. It really is, in my opinion, that clear and that simple. You cannot talk about modern mining today and use 20-year-old examples, because most of those were created 20 years before they became a problem. Yet, that is the basis of the argument. That is the strength of any argument that they attempt to produce.

So I hope that my colleagues will stand with us today in opposing the

Bumpers amendment—that we should table that amendment—because while it can be partisan at times, this is not a partisan issue. The Senators from Nevada are Democrats, and I am a Republican, and we are from neighboring States.

Mining has been for 100 years a major part of our economy and yet today remains an important part of our economy. My State is touted as being one of the most beautiful, mountainous, high-desert States in the Nation, with clear flowing streams, pristine mountain meadows. And 100 years of a mining legacy? Yes. It seems like Idahoans did it right. Then while they were doing it right, they learned to do it better. And there is no question that the environmental laws we passed here in the 1960s and the 1970s and the 1980s helped them do it better.

But just a few years ago our reclamation laws, our mining laws as a State, were the example for the rest of the Western States to follow, and many of them did. Many of my miners have received national environmental awards for their productions, for their operations, for their facilities, and they are very, very proud of it.

So what is the advantage of standing here on the floor today and pounding the podium and talking about the evil mining industry and the environmental problems it creates? Well, if you are an echo of the past, maybe there is value there. Or if you are the politics of yesterday, maybe there is value there. But if you really want to work with our Western Governors, and solve a problem, and bring two divided sides together, then you do exactly what this bill does—you employ a neutral party, the National Academy of Sciences, to analyze at least the proposed problem that Messrs. Leshy and Babbitt suggest exists, and examine the solution that they have out there, searching for and coming up with a resolution.

I am quite confident that if the National Academy of Sciences proposes, that we will take a very, very serious look at disposing with that. That is the issue here. Let us proceed in that manner. Let us not divide the Federal Government and State governments any more. Let us build a working partnership, as we have had in the past, that will project us, I think, into a productive future so that mining can remain a strong part of our economy, as it should, and, in my opinion, as it must if we are going to continue to have a free flow, an important flow, of minerals and metals to the critical economies of this country.

I yield back the remainder of my time.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Might I ask how much time remains on each side?

The PRESIDING OFFICER. The Senator from Alaska has 13 minutes 20 seconds remaining; the Senator from Arkansas controls 19 minutes 27 seconds.

Mr. MURKOWSKI. I ask the Senator from Arkansas if he would care to go next since we spoke last on the issue.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, first of all, I want to make one point that perhaps has not been made, and that is that this amendment only applies on Federal lands. Bear in mind, all mining does not occur on Federal lands. There are all kinds of mines in this country on private lands. There are some on State lands.

I might also say that we have given away 3.2 million acres of land in the past 126 years. Well, we did not give it away; we charged $2.50 an acre for it. Lands the size of the State of Connecticut we have given to the mining industry in the past 126 years to mine on. Do you know what else? They own it. We gave them a deed for $2.50 an acre, and they own it. And these regulations do not apply to people who own their own land. The States regulate that.

One other point I want to make is that I believe the Senator from Idaho indicated something about my political position, my political base. No. 1, there is no political base on mining in my State. There is a political base for being on the side of keeping the environment as clean as possible, but that is not unique to my State. I assume that there are some people even in Idaho and Alaska who want to keep the environment as clean as possible.

Let me say, as the Senators tick off all the laws that the mining industry has to comply with—clean air, clean water, reclamation—tell us which one of those you want to repeal.

In the 1970's when a number of environmental laws were passed, go back and look at the speeches that were given, and given again today, about what a terrible disaster this would be if we passed this bill and made people comply with these nonsensical, crazy regulations. It is just another case where the old Federal Government is trying to tell us how to run our lives.

Do you know the reason the Coeur d'Alene River is now a clean, pristine river? Because of the Clean Water Act. I applaud the people of Idaho who I assume didn't want that river to be polluted any further. I can tell you, it may or may not have happened if it hadn't been for the Federal Government's intervention. I don't know where that beautiful river in my State, the Buffalo, would be right now if we hadn't made it a wild and scenic river and stopped the disastrous pollution of the river.

In the 1970's 65 percent of the streams, rivers and lakes in this country were neither fishable nor swimmable. And because of the terrible old Federal Government and all their regulations imposing on the business community of this country, today it is reversed—65 percent of the streams, lakes, and rivers of this country are fishable and swimmable. How I wish I could live long enough to see that figure at 100 percent.

It is expensive. It is expensive to undo a mess. As I said on the Senate floor last week in a different context but it bears repeating here, as the English philosopher said, there is nothing more utterly impossible than undoing what has already been done. Do you think Bill Clinton wouldn't like to undo some of his past? Do you think people in my State wouldn't like to undo some of the surface mining, the strip mining, that we allowed to take place? They just dug out the earth, piled it up in big layers, took the coal, and left it.

It is not even half over. When you consider the fact that mines of 5 acres and less aren't even regulated, when you think of all the 3.2 million acres of lands we have given to the mining industry, these lands are not included.

So what do we have? The Senator from Idaho said Senator BUMPERS is up there talking about what happened years ago. In 1992, in Colorado, Summitville's actions cost the taxpayers $30,000 a day; 6 years ago that disaster occurred. What did they do? They polluted 17 miles of a river. It is now a Superfund site.

Zortman-Landusky, 1998, in Montana—going broke. Taxpayers will get to pick up the tab while we do another study by the National Academy of Sciences. Then you can go home and say, "Yes, I'm for the environment." I think the National Academy of Sciences ought to study these things as the disasters pile up. In 1998, in South Dakota, they are not quite broke yet, they are in financial difficulties. They had a $6 million bond, and the cleanup figure is now estimated at $10 million. Who picks up the difference? You know who picks up the difference.

There are 557,000 hardrock mine sites that are abandoned. Today, 59 of them are on the Superfund list. The cost to the poor taxpayers: $34 to $71 billion, because the U.S. Congress engaged in sophistry, specious arguments, as the pollution went on, as the unreclaimed mines were left for the taxpayers to pick up the tab.

Think about 2,000 sites in our national parks that have to be reclaimed. Twelve thousand miles of rivers are polluted, and they say we need another 27 months to study it.

I don't know much of anything else I can say about this. I will have a lot more to say tomorrow when I offer yet another amendment on mining. Then the Senator from Alaska and the Senator from Idaho can have a big party

and say, "That mean old Senator from Arkansas, we have heard the last of him," because you will have. I have been on this subject now for 10 years, with just a few marginal successes. As I pick up the paper in a few years and watch how things have gone, I will be a detached taxpayer, still with strong feelings about it. All I can say is, I did my best to try to save this planet for my children, my grandchildren, and yours.

Let me repeat one more time, when you consider FLPMA, which we passed in 1978, when you consider the National Forest Management Act, when you consider the Clean Air Act and the Clean Water Act, tell us, which ones would you strike? Which ones would you repeal?

It reminds me, as a southerner, what a tough time we had coming to grips with civil rights. Monday morning I will speak at an assembly at Central High School in Little Rock where, 31 years ago, the National Guard was called to keep black children from going to school there. The Arkansas Gazette, at that time the oldest newspaper west of the Mississippi, took a strong stand against Orval Faubus, who was Governor and who called out the National Guard to keep those nine children from going to school at Little Rock Central High School.

They lost circulation down to about 82,000. Orval Faubus was elected six times—the first Governor ever elected to a fourth term. Only one had ever been elected to a third term. And who today would take that side of that question? There are a few, of course. Who today would want to go back to charging people to vote?—which they did when I was a young man. You had to go down to the courthouse and pay a dollar for a poll tax. Who would go back to that?

If I were to start talking about the literally hundreds of things that we have done in this country that were terribly unpopular—I can remember when every doctor in America said, "If you pass that Medicare bill, you will be sorry; it will be the end of health care in this country." Can you find me somebody today who doesn't like Medicare, including the medical profession? No. In the 1970's—go back and look at the speeches made when we passed a variety of environmental statutes. I never read as many doomsday speeches in my life. Who would go back to the time when we didn't have NEPA? Who would want to go back to the time where we emptied our garbage out in the Buffalo River in plastic bags?

Sometimes it is a long time coming, and the disastrous part of it is that so much of it is irreversible; you cannot put it back the way God gave it to us. That might be getting too heavy on an issue like this. But I am telling you, when you look at the statistics of how many abandoned mine sites there are right now, when you look at the fact that we know what this is—this is nothing more than a dilatory tactic. There is not one Senator who doesn't know precisely what this is about. It is a simple delaying tactic.

Mr. President, I yield the floor and yield the remainder of my time—Mr. President, I will not yield back the remainder of my time. I think Senator LANDRIEU may wish to speak, so I will reserve the remainder of my time for her.

Mr. MURKOWSKI. Mr. President, I ask the Chair to indicate how much time remains on both sides.

The PRESIDING OFFICER. The Senator from Alaska has 13 minutes. The Senator from Arkansas has 5 minutes 30 seconds.

Mr. MURKOWSKI. I thank the Chair.

Mr. HATCH. Mr. President, I rise this morning to express strong opposition to the Bumpers amendment, and I urge my colleagues to oppose it as well. This amendment is a step backwards, Mr. President. It is a step back toward more centralized government; it is a step back toward more heavy handed regulations; and it is a step back toward making environmental policy with emotion and politics instead of science and common sense.

Mr. President, this argument really comes down to whether or not we want environmental regulations to be determined on the state level by those who have the greatest stake in a healthy environment and a strong economy, or do we want to keep all the power inside the Washington beltway and in the hands of federal politicians and bureaucrats.

This amendment would strike section 117 of the fiscal year 1999 Interior appropriations. What is so disturbing about this section that it must be struck, Mr. President? Section 117 is simply an attempt to replace the emotionally and politically charged controversy surrounding the revised 3809 regulations with good science. Section 117 would require that the National Academy of Sciences—hardly an organization in the pocket of the mining industry—perform a study of the adequacy of federal and state regulations governing hardrock mining on our public lands before the Secretary of Interior moves forward with the new regulations. I find it baffling, Mr. President, that a member of Congress would be opposed to introducing an impartial and nonpartisan element to this heated debate, such as a study by the National Academy of Sciences.

Mr. President, this is not merely a philosophical debate. This debate is about jobs in rural America. We have learned by unhappy experience that regulations spewed forth from Washington, D.C., with no regard for those who are most affected by the regulations, often lead to a loss of competitiveness and jobs in rural areas.

I wish all of my colleagues could visit the many rural areas of my state of Utah. They would find that opportunity has been whittled away from rural Americans who live among public lands. And why have these citizens lost their ability to grow and prosper, Mr. President? Has it been because of a lack of effort or creativity? Of course not—rural areas in Utah are struggling because government bureaucrats have systematically closed off opportunities to graze on public lands, to harvest timber on public lands, and to mine on public lands. I challenge anyone to tell me that this trend has not led to a major loss of rural jobs, Mr. President.

Mr. President, the rural people of my state know that the source of their problems has been an onslaught of centralized government regulation. I would like to read a letter from a young constituent of mine, T.J. Seely. He sums up, better than I could, what the crux of this debate is really about.

Mr. President, I ask unanimous consent that this letter be entered into the RECORD along with my remarks.

Mr. President, T.J. asks me in his letter, "What are you doing about jobs in rural Utah?" Well, Mr. President, an important part of my answer to T.J. will be that I voted against this amendment today, and that I urged my colleagues to do the same.

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

JANUARY 19, 1998.

DEAR SENATOR HATCH: My name is T.J. Seely. I'm from Ferron, Utah. I am thirteen years old and I'm concerned that there won't be any jobs when I'm out of high school.

My dad is forty years old. He works for one of Pacific Corps. mines and I'm worried that he won't have a job.

In Utah I think that we have more of our share of Federal lands.

What are you doing about jobs in rural Utah, and what can I do about securing jobs in Utah?

Sincerely,

T.J. SEELY.

PROPOSED BLM 3809 REGULATIONS

Mr. BENNETT. Mr. President, I have listened with interest to the discussion that has taken place today regarding the Bumpers amendment and I would like to express my views on the BLM's proposed 3809 Regulations. I am concerned that my colleagues are facing another situation, like others in the past, in which policymakers in this Administration lacking support from Congress, nevertheless develop policy based on a predetermined outcome. Once that policy is introduced, we are then subjected to the usual vocalizing about the importance of public input and the necessity of hearing views of all interested parties.

BLM's justification for new regulations is spotty—advances in mining technologies and current regulations which have not been updated for 15 years. Yet when we had this discussion

last year, we agreed that since the regulatory authority of western states would be called into question, it was important that we allow for significant input from those impacted states. I am dismayed that the BLM draft regulations ignored most of the input received last year. The result has been a proposal that was so top-heavy with prescriptive regulation it would never pass muster if it were to move through the normal legislative process.

We find ourselves in a situation where the Western Governors, which have individual state programs that are working very well with respect to mining in those states, wish to have greater input into the draft regulations. These Governors, regardless of party affiliation, have stated very clearly that the problems with the current law described by the Secretary simply do not exist. They would prefer to have several legal issues resolved prior to any modification of the current 3809 regulations. I do not see anything wrong with seeking guidance from an outside source as to how the current regulatory framework is deficient. I believe the language we have in this bill addresses those concerns by bringing in a non-biased entity to determine if the current regulatory framework is inadequate.

I sometimes wish we could be more candid with each other. I am amazed at what happens when we can sit down around the table and have an open discussion. We have been successful in the past, as my friend Senator BUMPERS well knows. Were it not for two or three candid discussions, we would have never reached agreement on National Park concessions reform. But this is a case where BLM is not willing to admit what it is really trying to do. The Secretary should admit that he is trying to accomplish mining law reform through the back door because the Administration lacks the votes in Congress. If he would simply say that, I would say that I disagree with his position. But because of the lack of candor around here, we go through various machinations and we find ourselves in this situation where we now have to bring in the National Academy of Sciences to provide a non-biased review so we can get the information to Congress. I think this issue has moved to the point where we are in need of unbiased, outside counsel. If there is a problem, let's fix it, if not, let's leave well enough alone. But the first step is to identify if a problem really does exist.

Mr. MURKOWSKI. Mr. President, following the current debate, let me point out a couple of things that I think the Senator from Arkansas may have overlooked with regard to his general statement that we have 557,000 sites in the abandoned mine category.

I think it is important to recognize what we have done. We have a system. The system is working. Fewer than 3 percent of those 557,000 are considered to be of a significant environmental concern. Surface water contamination, ground water contamination, and Superfund make up less than 3 percent of these sites. The others—it is interesting to note—34 percent, or 194,000, have been reclaimed and are considered benign; 231,000, or 41 percent, have a surface disturbance. Obviously, if you are going to mine an area in an open pit, you are going to have a surface disturbance. But that can be taken care of in the reclamation process. The trees can grow back.

I ask anybody who has visited the interior of Alaska to recognize the techniques used with the gold dredges where they basically built this dredge in a pond and it dug ahead of itself and deposited the tailings, the pond was not any bigger than the dredge, it simply moved, and yes, the tailings were evident at the time, but now the trees have grown back into the tailings piles. That is what is happening in these areas where appropriate reclamation takes place, and the technology today is much more advanced than previously. So there is significant advancement in the process.

The system of reclamation is working, and the States take pride in their obligation to address reclamation associated with mining activity. You can't create wealth, you can't create jobs, and you can't create prosperity without some kind of a footprint. Mining is no exception. But with the technology we have, we are addressing it and doing a better job.

The problem with the proposal of my friend from Arkansas is that he simply wants to have the Department of the Interior come in and dictate terms and conditions—a nameless, faceless bureaucracy, accountable not to the people within the States, not to the people who work in the mining industry, not to the people who have jobs, families, mortgages, but to an indifferent Department of the Interior coming down with regulations that would basically strangle the mining industry as we know it today and force it overseas.

We have had a discussion about the poultry industry. I am sorry that my friend from Arkansas stepped out briefly, but I have done a little investigation in the last few minutes relative to the poultry industry in Arkansas, which I know very little about. Clearly, the Senator from Arkansas is on record opposing any State regulation of mining that is evident today. But he doesn't oppose State regulation of his State's biggest industry, and that is poultry. Small poultry farmers are not subject to Federal law, clean water regulation, even when large corporations actually own the chickens. It is left up to State law, even though it is a major water quality issue in those States with high populations of poultry. In Virginia alone, over 1,300 poultry operations produce 4.4 billion pounds of manure a year. A so-called small poultry operation can produce 540 tons of litter per year. I haven't heard the Senator from Arkansas arguing in favor of Federal regulation, but perhaps we are getting ahead of ourselves and we don't need to spread the issue around any more than we have, relatively speaking.

Let me just highlight a few more points that I think are appropriate. Let's look at the gold industry in the United States today. The layoffs total approximately 3,500 workers—not because the gold isn't there, but the world price of gold has declined. As a consequence, these mines, such as the HomeStake Mine in Lead, SD, a small community of fewer than 1,000 people, where there are over 466 people that are out of work—that issue is not as a consequence of the issue before us today, but it is a consequence of the mining industry's ability to operate internationally based on cost, based on the value of the gold in the ground, and a number of other considerations.

The point is, when you go into the mining industry, you go in for the long haul. You are going to have good years and bad years. But I think it is appropriate that we take a look at the industry as it exists in the Western States. There are 5,000 people employed in my State of Alaska. In California, there are 115,000 people with jobs directly or indirectly affected by the mining industry; Colorado has 19,000; Idaho has 7,000; Montana, 9,000; Nevada has 11,000; South Dakota, 8,000; the State of Washington has 26,000.

So I remind the Senators from those States that are directly affected, with a significant payroll, a number of jobs are dependent directly or indirectly on the mining industry, and it is very important that we have a mining industry that has regulations that are responsive to the legitimate environmental demands, but at the same time recognize that this industry fluctuates with market price, world prices, unlike many other items that we might not have a fair comparison with.

Finally, let me in the remaining moments again refer to the effort that has been made that is pending before the U.S. Senate. It is ready for markup. That is the mining bill that Senator CRAIG and I have offered. It was a solid foundation upon which to build mining reform. We made an accommodation to the Senator from Arkansas not to mark it up in order for him to initiate an effort to reach a compromise with the mining industry to resolve long standing issues. Evidently, this has not yet happened, although I still have hopes.

Let me remind my colleagues that the mining bill before us would have pleased, I think, reasonable voices on both sides of the issue. It seeks reform, which brings a fair return to the Treasury. It protects the environment and

preserves our ability to produce strategic minerals in an international marketplace. I think the bill, when it eventually reaches the floor of this body, will receive support and pass. The legislation protects the small miners, it maintains traditional location and discovery practices, and it is reform. It is an effort to do the job right. Bad decisions are going to harm a $5 billion U.S. industry whose products are the muscle and sinew of our Nation's industrial output.

The future of some 120,000 American miners and their families and their communities is at stake here. So is the well-being of thousands of other Americans whose income is linked to manufacturing goods and services which support this critical industry.

In summary, Mr. President, I am going to be offering a motion to table Senator BUMPERS amendment to strike at 2:15 when the Senate reconvenes

I want my colleagues to know ahead of time what my intentions are relative to the disposition of the Bumpers amendment.

Finally, let me, for the record, indicate the position of the Western Governors' Association, which wrote in a letter:

> States already have effective environmental and reclamation programs in place and operating. These programs ensure that national criteria where they exist in current law are met and allow the States site-specific flexibility for the remaining issue.

We have letters from the Governors of Arizona, New Mexico, Idaho, Wyoming and Utah—written letters in support of having the National Academy of Sciences conduct a review of the existing State and Federal regulations governing mining to determine their deficiencies.

One other point, Mr. President. I think it is noteworthy, to my colleagues who have perhaps been following some of our Nation's environmental leaders, the comment that was made in December 1997 by former Secretary of the Interior, Governor Cecil Andrus. When the 3809 regulations were promulgated back in 1980, Governor Andrus was Secretary of the Interior. So this gentleman knows of what he speaks.

In December, Governor Andrus stated:

> For over 20 years, I submit, the 3809 regulations have stood the test of time. These are the regulations that we are talking about today, the ones the Secretary of the Interior proposes to change.

Further, I quote:

> Those regulations revolutionized mining on the public lands. Bruce Babbitt, who should know better, is trying to fix things that are not broken and accomplish some mining reform laws through the back door.

Mr. President, that is just what this issue is about. I don't know what is good for the goose or the chicken, but I do know what is good for the mining industry in the United States today; that is, to defeat and prevail on the motion to table the Bumpers amendment to strike.

Mr. President, I ask that the remainder of my time be indicated.

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. MURKOWSKI. I retain the remainder of my time and yield to my friend from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, here is what the new regulations contain:

Regulations to minimize adverse environmental impacts, if economically and technically feasible—that is a pretty big loophole; that is what these new regulations provide—reclaim the land to its prior condition; bonding, enough bond to cover reclamation costs; and, protect the air and water quality.

Let me ask my opponents on this issue, to which of those do you object? To what do you object?

Mr. President, these arguments about the poor gold miners processing gold—I have heard those same arguments year after year, and sometimes when gold was more than $400 an ounce. If gold is cheap, that is the argument. If gold is high, then it is jobs. If neither apply, then it is that bad old Federal Government trying to regulate our lives—anything under God's Sun to keep from doing anything to make the mining companies of this country do it right.

This is the simplest amendment in the world. Everybody knows what it is. For 17 years, since 1981, we have been living with regulations for the most part which were hopelessly out of date. In the meantime, we have been allowing cyanide to go into the rivers and streams and the underground aquifers of this country, and they don't want to do anything about it. They don't want a regulation or a rule that makes people responsible for that.

I think I have said everything I can possibly say about this issue. I will simply say I may lose this afternoon, and probably will. And when 27 months have gone by, unless somebody takes it on again next year, maybe we will get James Watt back as Secretary of the Interior and we will not have to worry about things like this anymore. This is very carefully crafted to say to Bruce Babbitt that you cannot do anything—you can't do anything until the year 2001. At that time, my opponents on this divinely hope that there will be a Republican President and there will be a Secretary of the Interior who will do their bidding. That may happen. And in the meantime, unmitigated, unfathomable economic disasters will continue to occur.

If this is an issue for the Senate to do something about, all you have to do is vote yes. If you do not want to do anything about it, then vote no.

Mr. President, I yield the floor, and I yield the remainder of my time.

Mr. MURKOWSKI. Mr. President, let me thank my friend from Arkansas for his input and his consistent effort to bring this issue before this Congress, and certainly the U.S. Senate.

I must differ with him on his interpretation. It is not unmitigated disaster. I think every Member of the Western States, and those States that have mining, recognize that there are certainly ills. But there is also an obligation and a pride to correct them, and those corrections are underway. But the suggestion that the Department of the Interior should have the broad authority to come in with sweeping new regulations that would in many cases have an adverse effect on the industry's ability to be internationally competitive is the threat proposed by the Department of the Interior. As a consequence, I would again expect to offer a motion to strike the amendment, and a tabling motion.

I yield the remainder of my time. I thank my good friend for the spirited debate. We will keep him informed of the progress and the eventual resolve of this issue, if we don't get it done today.

Mr. BUMPERS. Mr. President, parliamentary inquiry. Is there 10 minutes equally divided beginning at 2:15 on this amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS. I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:29 p.m. recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3591

The PRESIDING OFFICER. Under the previous order, there is now 10 minutes equally divided with respect to the Bumpers amendment.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, both caucuses are still in session. I ask unanimous consent that the beginning of the debate, 10 minutes equally divided, begin at 2:20 p.m.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Under the previous order, there is now 10 minutes to be equally divided with respect to the Bumpers amendment.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the time for the start of the debate be extended to the hour of 2:25.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BUMPERS. Mr. President, I ask unanimous consent that the time for the 10-minute debate previously ordered commence as of now, and I yield 2 minutes to the Senator from Louisiana, Senator LANDRIEU.

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

Ms. LANDRIEU. Mr. President, I join my distinguished colleague from Arkansas to add just a moment of my thoughts to the tremendous argument he has made to strike this language from the Interior appropriations bill and to try to move us on in a path of real reform on this issue, reform that is so long overdue. Since 1971, attempt after attempt after attempt has been made, either to pass laws to reform the 1872 statute—attempts that have failed because there is not enough support—or we have tried to take some steps through regulations. Yet delay after delay after delay has taken place.

I want to submit for the RECORD, to date $71 billion in damages have occurred at taxpayer expense from hard rock mining—$71 billion. Mr. President, we have 557,000 abandoned hard rock mining sites in the United States alone that have to be dealt with, 300,000 acres of Federal land left unreclaimed, 2,000 sites in national parks in need of reclamation, as well as 59 Superfund mining sites on the National Priorities List and 12,000 miles of polluted rivers.

When will the taxpayers get some relief from this law that is so far outdated and has long since met its original intent? Besides the giving away of the land for pennies, the taxpayers are then held to pick up the tab for the damage that is caused. There are some reasonable solutions that do not devastate the industry but they do begin to clean up our environment.

I support the Honorable Senator from Arkansas and ask all of our colleagues to join with him in this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BUMPERS. Mr. President, parliamentary inquiry: Is time to be charged against both parties when there is nobody speaking?

The PRESIDING OFFICER. The Senator is correct.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me just say to what few colleagues may be listening, in 1976, the Secretary of the Interior was charged with the responsibility of making sure that people who mine on Federal lands belonging to the taxpayers of America, not cause undue degradation of the land.

In 1981, the Secretary promulgated regulations to determine how mining would take place. It was obvious after that that the gold mining companies were using cyanide—cyanide—to mine gold. We have had three unmitigated disasters since 1981. We have cyanide running in the rivers and streams and our underground water supplies of this country.

In 1991, Secretary Lujan tried to change the rules so we could take care of that, as well as other things that needed to be taken care of.

In 1993, everybody said, "No, let's wait; we're going to get a new bill." Nothing happened.

In 1997, Secretary Babbitt started to promulgate rules to try to take care of underground leeching of cyanide poisoning, as well as a whole host of other things. Senator REID got an amendment put on last year that said every Governor in the West would have to sign off on that. We finally compromised by saying the Secretary would have to consult with Governors of the West, which he did and which they certified that he did.

This year, they come in and say, "No, let's don't do it yet; let's have the National Academy of Sciences study it."

It takes 27 months, 27 more months under this amendment to get these rules promulgated, carefully orchestrated to go past the year 2000 and, hopefully, to get a Secretary of the Interior to their liking so we can continue to pollute the rivers and streams of underground aquifers of this country with cyanide poisoning.

People of this country have a right to expect something better than that, and all I am doing is striking this so that the Secretary can go ahead and issue the rules on November 17. If the Congress doesn't like them, let them change them. But for God's sake, let's keep faith with the American people and say we are going to do something about Summitville, CO, 1992. The bond was insufficient. They took bankruptcy. Zortman-Landusky, MT, 1998; Gilt Edge, SD, 1998.

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

Mr. BUMPERS. I plead with my colleagues and simply say let the Secretary do the job we hired him to do and promulgate the rules we told him in 1976 he ought to promulgate.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I use the time delegated to the Senator from Alaska.

Mr. President, my friend from Arkansas and my friend from Louisiana are in some kind of a dream world. The fact of the matter is that the statistics they talk about, for example, 300,000 acres damaged—the State of Nevada alone has 75 million acres. The Western United States is a vast area that still has areas in need of development. The mining industry has the best blue-collar jobs in America. The price of gold is at a 19-year low. Companies are filing bankruptcy. People are being laid off.

The mining industry creates a favorable balance of trade for gold. The problems that they talk about are all problems that went on decades and decades ago. What we are talking about here is there are some regulations that the Secretary of the Interior who can't legislate—they have tried, they can't legislate anything—so he said, "We're going to get to you anyway, Mr. and Mrs. Mining Company; we're going to do this through regulations. We're going to show you if we can't legislate, we will regulate."

What we are saying is, Mr. Secretary of the Interior, if you want to regulate, let's have the National Academy of Sciences, an impartial, unbiased, very recognized, sound scientific body look at these regulations to see if they need to be changed. We are willing to abide by what they come up with. This is not some antienvironmental rider that is going to turn present regulations upside down. This is simply saying let's take the regulations and have the scientists look at them, not Secretary Babbitt who has been so unfair to mining.

Mr. President, they are looking for a solution to a problem that doesn't exist. The Western Governors' Association said:

> States already have effective environmental and reclamation programs in place and operating. These programs ensure that national criteria, where they exist in current law, are met and allow state and site-specific flexibility for the remaining issues.

That is all we want, is fairness. The Interior bill is a good bill. This provision which calls for a study by the National Academy of Sciences is the right way to go. This amendment should be defeated overwhelmingly.

The PRESIDING OFFICER. The time under the control of the opposition to

the Bumpers amendment remains at 2 minutes even.

Mr. REID. How much time is remaining?

The PRESIDING OFFICER. Two minutes.

Mr. REID. On this side?

The PRESIDING OFFICER. That is correct.

Mr. REID. Thank you. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. Mr. President, I stand in strong opposition to Senator BUMPERS' amendment to strike the National Academy of Sciences study.

Before they cast their vote, I want my colleagues to consider these points:

We put the National Academy of Sciences study language into the appropriations bill because the Interior Department has decided that they can no longer wait for Congress to act on mining law. Apparently these unelected officials know what's better for this country than the United States Congress.

We are doing it because the Department of the Interior has decided that they are not interested in the opinions or concerns of the public land Governors and the constituents they represent.

Let me quote the Western Governors Association letter from February of this year:

> States already have effective environmental and reclamation programs in place and operating. These programs ensure that national criteria, where they exist in current law, are met and allow state and site-specific flexibility for the remaining issues.

We put the Academy study into the appropriations bill at the specific request of the Governors of Nevada, Arizona, New Mexico, Idaho, Wyoming, and Utah.

They all echo Nevada Governor Miller's concerns when he said:

> Interior is moving the responsibility for environmental oversight of mining operations in my State and other States to here in Washington, DC. This attempt at seizure and control by Interior is particularly perplexing in view of the fact that many States, expecially Nevada [and my state—Alaska] have moved aggressively to address the environmental concerns of mining operations. To date, there has been no real justification offered by the department regarding the need to make changes. * * *

He goes on to say that in his opinion the Department of the Interior has a solution looking for a problem.

A solution looking for a problem.

It is simply unacceptable for an agency to launch off on a major rulemaking effort that affects the effectiveness and efficiency of the entire environmental foundation of mining in the United States.

Let me close by quoting one of the modern environmental leaders, former Secretary of the Interior Andrus:

> In 20 years, I admit, the 3809 regulations have stood the test of time * * * those regulations revolutionized mining on the public lands. Bruce Babbitt—who should know better—is trying to fix things that are not broken, and I suspect accomplish some mining law reform through the back door.

Secretary Babbitt is trying to fix things that are not broken.

I couldn't have said it better if I tried.

The amendment that Senator BUMPERS proposes to strike is as simple—it does "nothing" more than direct the National Academy of Sciences to review existing State and Federal environmental regulations dealing with hardrock mining to determine the adequacy of these laws and regulations to prevent unnecessary and undue degradation and how to better coordinate Federal and State regulatory programs to ensure environmental protection.

The Department of the Interior has so completely lost its objectivity and has become so biased against this industry that they appear completely incapable of making sound decisions in this arena.

The citizens of this country are entitled to a Department of the Interior that determines need before it acts, that doesn't waste money that is sorely needed in other places; a Department that doesn't "unnecessarily" disrupt a system of State and Federal regulations laboriously constructed over decades to complement and enhance environmental protection at the lowest cost possible.

I urge my colleagues to join with me in a vote to table Senator BUMPERS' amendment, and in doing so, we will be sending a clear message to the administration that "good" Government is still important, that States play a critical role in environmental protection and that their partnerships and input are still important.

Mr. President, as you know, we have before us a vote, and I ask unanimous consent that the yeas and nays be requested—Mr. President, I am told that I should make that request after time has expired.

The PRESIDING OFFICER. The Chair informs the Senator from Alaska that the time has expired.

Mr. MURKOWSKI. It is my intent to table the proposed Bumpers amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 3591. The yeas and nays were ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The result was announced—yeas 58, nays 40, as follows:

[Rollcall Vote No. 268 Leg.]

YEAS—58

Allard	Domenici	Lugar
Ashcroft	Dorgan	Mack
Baucus	Enzi	McCain
Bennett	Faircloth	McConnell
Bingaman	Ford	Moynihan
Bond	Frist	Murkowski
Breaux	Gorton	Nickles
Brownback	Gramm	Reid
Bryan	Grams	Roberts
Burns	Grassley	Santorum
Byrd	Hagel	Sessions
Campbell	Hatch	Shelby
Cleland	Helms	Smith (NH)
Cochran	Hutchinson	Smith (OR)
Conrad	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Inouye	Thompson
D'Amato	Kempthorne	Thurmond
Daschle	Kyl	
DeWine	Lott	

NAYS—40

Abraham	Gregg	Murray
Akaka	Harkin	Reed
Biden	Jeffords	Robb
Boxer	Johnson	Rockefeller
Bumpers	Kennedy	Roth
Chafee	Kerrey	Sarbanes
Coats	Kerry	Snowe
Collins	Kohl	Specter
Dodd	Landrieu	Torricelli
Durbin	Lautenberg	Warner
Feingold	Leahy	Wellstone
Feinstein	Levin	Wyden
Glenn	Lieberman	
Graham	Moseley-Braun	

NOT VOTING—2

Hollings	Mikulski

The motion to lay on the table the amendment (No. 3591) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, we now are on the Interior appropriations bill. I hope we will not have quorum calls. I hope we will be able to move through amendments briskly, with appropriate debate. I count about 10 or a dozen amendments on this bill which are likely to require rollcall votes.

As usual, we are having a difficult time this afternoon getting people to come to the floor with their amendments. I would like to go from Republican side to Democratic side and back to the Republican side.

I ask that the Senator from Wyoming, Mr. ENZI, be recognized next. If there are Democrats who will bring up their amendments this afternoon, I would like to hear from them. They would go next.

We will have more amendments this afternoon that will require rollcall votes.

AMENDMENT NO. 3592

(Purpose: To prohibit the Secretary of the Interior from promulgating certain regulations relating to Indian gaming and to prohibit the Secretary from approving class III gaming without State approval)

Mr. ENZI. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. ENZI], for himself, Mr. SESSIONS, Mr. LUGAR, Mr. BROWNBACK, Mr. ASHCROFT, Mr. GRAMS, Mr. COATS, Mr. INHOFE, Mr. BRYAN and Mr. REID, proposes an amendment numbered 3592.

Mr. ENZI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION.

(a) Notwithstanding any other provision of law, prior to October 1, 1999, Secretary of the Interior shall not—

(1) promulgate as final regulations, or in any way implement, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, or in any way implement, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITION ON APPROVING COMPACTS.—Prior to October 1, 1999, the Secretary may not expend any funds made available under this Act, or any other Act hereinafter enacted, to prescribe procedures for class III gaming, or approve class III gaming on Indian lands by any means other than a Tribal-State compact entered into between a state and a tribe, on or after the enactment of this Act.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) NO AUTOMATIC APPROVAL.—Prior to October 1, 1999, notwithstanding any other provision of law, no Tribal-State compact for class III gaming, other than one entered into between a state and a tribe, shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact.

(c) DEFINITIONS.—The terms "class III gaming", "Secretary", "Indian lands", and "Tribal-State compact" shall have the same meaning for the purposes of this section as those terms have under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

PRIVILEGE OF THE FLOOR

Mr. ENZI. I ask unanimous consent two members of my staff, Andrew Emrich and Chad Calvert, be granted floor privileges during the duration of the debate on the Interior appropriations bill.

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

Mr. ENZI. I rise to introduce this amendment to the Interior appropriations bill with my colleague, the distinguished Senator from Alabama, Mr. SESSIONS.

This amendment has one very important purpose: to ensure that the rights of this Congress and all 50 States are not trampled on by an unelected Cabinet official.

The amendment is simple and straightforward. It would prohibit the Secretary of the Interior from approving any tribal-State gambling agreement which has not first been approved by the tribe and the State in question. It would also prohibit the Secretary from finalizing the rules that were published this past January 22. If these rules are finalized, the Secretary of the Interior would have the ability to bypass all 50 State governments in approving casino gambling on Indian tribal lands.

Mr. President, this is the third time in 2 years the Senate has had to deal with this issue of Indian gambling. I regret that an amendment is, once again, necessary on this year's Interior appropriations bill. However, until we understand the need for legislative action and effect hearings by the Indian Affairs Committee to resolve differences and reach a reasonable compromise in the Indian gambling process, this amendment is essential.

Last year, I offered an amendment to the Interior appropriations bill that prohibited Secretary Babbitt from approving any new tribal-State gambling compacts which had not first been approved by the State in accordance with State law. Although that amendment provided for only a 1-year moratorium, the intent of that amendment was clear. Congress does not believe it is appropriate for the Secretary of the Interior to bypass Congress and the States on an issue as important as to whether or not casino gambling would be allowed within State borders.

Unfortunately, the Secretary did not think Congress was serious when we passed the amendment last year. On January 22 of this year, the Department of the Interior, Bureau of Indian Affairs, published proposed regulations which would allow the Secretary of the Interior to bypass the States in the compacting process. In effect, these proposed regulations would allow Secretary Babbitt to approve casino gambling agreements with the Indian tribes without the consent or approval of the States. This action by the Secretary is a very big stick that encourages the tribes enough that they are not interested in any compromise. That is precisely why Congress was willing to place the amendment in last year's appropriations bill. Evidently, Secretary Babbitt did not think Congress was serious.

We also debated the issue of blocking the Secretary's proposed rules in February, and we had an amendment accepted to the supplemental appropriations bill by a voice vote. When speaking with House conferees who attended the conference to the supplemental, several lobbyists painted our amendment as a Las Vegas protection bill. There are some lobbying groups that are trying that same tactic again this year. I want everyone to be perfectly clear on this point. This amendment is designed primarily for those States that do not allow gambling—particularly those that do not allow electronic gambling and especially those States that do not allow slot machines. The interest in this amendment from gambling States stems simply from their sincere desire to have the Indian Gaming Regulatory Act, or IGRA, enforced. This amendment does not in any way minimize the serious need for proper enforcement of existing law.

In February, in an attempt to kill our amendment, which was only a continuation of the status quo, the Indian Affairs Committee sent out a notice that the amendment should be defeated because hearings had been scheduled. What happened to those hearings? By passing this amendment, we will ensure that the promises about the future won't change the current law. We will make sure that the unelected Secretary of the Interior, Bruce Babbitt, won't single-handedly change current law. This amendment will ensure that any change in IGRA is done in the right way—legislatively.

Mr. President, this amendment will ensure that the proper procedures are followed in the tribal-State compacting process. Some people have argued that changes need to be made in the Indian Gaming Regulatory Act. I don't necessarily disagree with my colleagues on that point. In fact, I would welcome an opportunity to review a number of provisions in IGRA in the proper context. However, if any changes are to be made to IGRA, those changes must come from Congress, not from the administration. By even proposing these regulations, the Secretary of the Interior has shown an amazing disregard for the constitutional role of Congress and the statutory prerogatives of all 50 States.

Actually, Mr. President, the timing of Secretary Babbitt's actions is rather ironic. In March, just 6 months ago, Attorney General Janet Reno requested an independent counsel to investigate Secretary Babbitt's involvement in denying a tribal-State gambling license to an Indian tribe in Wisconsin. Although we will have to wait for independent counsel Carol Elder Bruce to complete her investigation

before any final conclusions can be drawn, it is evident that serious questions have been raised about Secretary Babbitt's judgment and objectivity in approving Indian gambling compacts.

The very fact that Attorney General Janet Reno believed there was specific and credible evidence to warrant an investigation should be sufficient to make this Congress hesitant to allow Secretary Babbitt to grant himself new trust powers that are designed to bypass the States in the area of tribal-State gambling compacts. Moreover, this investigation should have taught us an important lesson: We in Congress should not allow Secretary Babbitt, or any other Secretary of the Interior, to usurp the rightful role of Congress and the States in addressing the difficult question of casino gambling on Indian tribal lands.

As this controversial issue has developed, we have been promised hearings in the Indian Affairs Committee. A year ago, I was given the offer to even invite some of the witnesses. From my perspective, if the promise of those proposed hearings had caused us to back off this amendment, the effect would have been that Secretary Babbitt would have had his way today. This sentiment has been confirmed by lobbyists from the various tribes which have made it abundantly clear that Secretary Babbitt fully intends to finalize his proposed rules. Our only way to stop this effort is to attach another amendment to this year's Interior appropriations bill. Let me assure you, if Secretary Babbitt has his way, there will be no need for the tribes to resolve problems at all involving gambling and IGRA in and with their States.

I do believe that this issue could be resolved with hearings and a bill—actual legislation from us, from Congress. But those hearings won't happen as long as the tribes anticipate the clout of the Secretary's rule that bypasses the process, bypasses the States. Yes, the courts have ruled that the current law—which was passed by Congress, not an appointed Secretary—gives an edge in the bargaining process to the States. But that process has worked. If there is a need to change that process, it should be changed only by a bill passed by Congress—not by rule and regulation.

I must stress that if we do not maintain the status quo, there will never be an essential involvement by the States in the final decision of whether to allow casino gambling on Indian tribal lands. There will be no compromise reached. The Secretary will be given the right to bypass us, the Congress of the United States, and to run roughshod over the States.

Again, I want to stress that this amendment does not amend the Indian Gaming Regulatory Act, but holds the status quo for another year so Congress can review the situation.

Two years ago, Congress voted to establish a national commission to study the social and economic impacts of legalized gambling in the United States. One of the aspects the commission is analyzing is the impact of gambling on tribal communities. As my colleagues know, this commission just began its work last year and most likely will not complete its study for another year.

It is significant that this commission—the very commission that was created by Congress for the purpose of studying gambling—has now sent a letter to Secretary Babbitt asking him not to go forward with his proposed rules. I would like to read this letter for the benefit of my colleagues.

DEAR SECRETARY BABBITT: As you are aware, the 104th Congress created the National Gambling Impact Study Commission to study the social and economic impacts of legalized gambling in the United States. Part of our study concerns the policies and practices of tribal governments and the social and economic impacts of gambling on tribal communities.

During our July 30 meeting in Tempe, Arizona the Commission discussed the Department's "by-pass" provision for tribes who allege that a state had not negotiated for a gaming compact in good faith. The Commission voted to formally request the Secretary of the Interior to stay the issuance of a final rule on Indian compacting pending completion of our final report. On behalf of the Commission, I formally request such a stay, and trust you will honor this request until you have had an opportunity to review the report which we intend to release on June 20, 1999. Thank you for your consideration.

Sincerely,

KAY C. JAMES,
Chair.

Mr. President, I think it would be wise for this body to follow the advice of the very commission that we created to study the issue of legalized gambling.

I want to emphasize again that we are the body that asked for this commission. We created the commission to look at *all* gambling. The American taxpayers are already paying for the study. The commission is already doing its work. We need to let them finish. They have asked that neither we, nor Secretary Babbitt, make any changes while they do their work. My amendment would give them that time.

The judicial branch has already preserved the integrity of current law. This amendment supports that. The President approved my amendment last year by signing the 1998 Interior appropriations bill. I'm asking my colleagues to take the same "non-action" once again. The Committee on Indian Affairs must play a very important role here. They need to hold hearings and write legislation which specifically addresses this issue and then put it through the process. They will have time to do that if this amendment is agreed to. This amendment would support giving the Indian Affairs Committee and Congress, as a whole, time to develop an appropriate policy.

Mr. President, the Enzi-Sessions amendment is strongly endorsed by the National Governor's Association. I would like to read a letter written on behalf of the Governors and which is signed by the entire executive committee. Listen to this very bipartisan appeal.

Here is the letter:

As members of the Executive Committee of the National Governors' Association, we urge you on behalf of all governors to adopt the Indian gaming-relating amendment to the Interior Department Appropriations bill sponsored by Sen. Michael B. Enzi (R–Wyo.) and Sen. Jeff Sessions (R–Ala.). This amendment would extend the current moratorium preventing the secretary of the U.S. Department of the Interior from using federal funds to approve tribal-state compacts that have not first been approved by the state, as required by law. The amendment would also prohibit the secretary from promulgating a regulation or implementing a procedure that could result in tribal Class III gaming in the absence of a tribal-state compact or from going forward with any proposed rule on this matter in fiscal 1999.

The U.S. Secretary of the Interior has published a proposed rule in which he asserts authority to establish such procedures, and he has indicated his intent to issue a final rule. The nation's Governors strongly believe that no statute or court decision provides the secretary of the U.S. Department of the Interior with authority to intervene in disputes over compacts between Indian tribes and states about casino gambling on Indian lands. Such action would constitute an attempt by the secretary to preempt states' authority under existing laws and recent court decisions and would create an incentive for tribes to avoid negotiating gambling compacts with states. The secretary's inherent authority includes a responsibility to protect the interests of Indian tribes, making it impossible for the secretary to avoid a conflict of interest or exercise objective judgment in disputes between states and tribes. Governors have submitted comments to the department outlining these and other objections to the proposed rule.

The Governors have agreed to enter negotiations with Indian tribes and the U.S. Departments of Interior and Justice to achieve consensus regarding amendments to the Indian Gaming Regulatory Act of 1988. Preliminary staff discussions will take place in August or September in preparation for a meeting of principals in November.

To avoid protracted litigation, provide Congress with time to determine the proper scope of the secretary's authority in this area, and permit the negotiations among tribes, states, and the federal government to progress, the nation's Governors respectfully urge Congress to adopt the Enzi/Sessions amendment to extend the current moratorium through the end of fiscal 1999 and prohibit the secretary from issuing a final rule.

Thank you for your support of the Enzi/Sessions amendment. The nation's Governors look forward to working with you.

It is signed by Governor George Voinovich, the chairman; Tom Carper of Delaware, the vice chairman; Governor Romer of Colorado; Governor Lawton Chiles of Florida; Governor Bob Miller of Nevada; Governor David Beasley of South Carolina; Governor Howard Dean of Vermont; and Governor Tommy Thompson of Wisconsin. It is definitely a bipartisan list.

Mr. ENZI. Mr. President, this amendment is also supported by the National Association of Attorneys General. I would like to read from the attorneys general letter of support. This is an excerpt.

The Attorneys General believe that the Secretary lacks any statutory authority for the proposed procedures. Twenty-five state Attorneys General led by Attorney General Bob Butterworth filed a letter with the Secretary setting out our views at length. We believe the Secretary must seek statutory amendments to the Indian Gaming Regulatory Act to achieve the authority he asserts and have encouraged him to engage in a dialogue with states and tribes to work toward that goal.

Mr. President, I ask unanimous consent to have that letter printed in the RECORD.

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

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL,
Washington, DC, July 27, 1998.

Hon. MICHAEL B. ENZI,
U.S. Senate, Washington, DC.
Hon. JEFF SESSIONS,
U.S. Senate, Washington, DC.

DEAR SENATORS ENZI AND SESSIONS: We write in support and in appreciation of your proposed amendment to S. 2237, the Interior Appropriations legislation. Last year's Interior Appropriations bill contained a provision establishing a moratorium on implementation of procedures by the Secretary of the Interior to permit tribal gaming where a state and a tribe stall in negotiations and the state asserts sovereign immunity in court proceedings.

The Attorneys General believe that the Secretary lacks any statutory authority for the proposed procedures. Twenty-five state Attorneys General led by Attorney General Bob Butterworth filed a letter with the Secretary setting out our views at length. We believe the Secretary must seek statutory amendments to the Indian Gaming Regulatory Act of achieve the authority he asserts and have encouraged him to engage in a dialogue with states and tribes to work toward that goal.

While the short time frame before this year's Interior Appropriations is marked up prevents us from conducting a formal survey of the Attorneys General, we can assure you that there is an informal consensus to urge that the moratorium remain in place during the coming fiscal year. Continuation of the moratorium will avert the need for costly and prolonged litigation over the Secretary's administrative authority and encourage a meaningful dialogue about amendments to the IGRA which would benefit the Secretary, the tribes and the states.

Sincerely,

NELSON KEMPSKY,
Executive Director, Conference of Western Attorneys General.

CHRISTINE MILLIKEN,
Executive Director & General Counsel, National Association of Attorneys General.

Mr. ENZI. Mr. President, we have also received a number of letters from individual Attorneys General from a number of states, and my colleague from Alabama, who himself was a distinguished State Attorney General before coming to the United States Senate, will discuss these at more length. This letter is also supported by the National League of Cities. I would like to quote from this letter of endorsement.

This is from the National League of Cities representing the cities and towns across our Nation.

While further legislation is required to remove the power of the Interior Secretary to administratively create enclaves exempt from state and local regulatory authority, passage of this amendment would be a first step in this process.

Because passage of the Enzi/Sessions amendment would slow the creation of new trust land in one narrow set of circumstances, NLC urges support of this amendment as a first step. The concept of allowing an appointed federal official to overrule and ignore state and local land use and taxation laws through the creation of trust lands flies in the face of federalism and intergovernmental comity.

* * * * *

The Supreme Court has ruled that provisions of the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq. (IGRA) violate certain constitutional principles that establish the obligations, immunities and privileges of the states. The Interior Department appears to be determined to implement the remaining provisions of IGRA despite the fact that the Supreme Court decision really requires a congressional re-examination of the IGRA statute and the more general topic of trust land designation. For these reasons, the NLC strongly urges Congress to extend the current moratorium, as proposed in the Enzi/Sessions amendment, through fiscal year 1999.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

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

NATIONAL LEAGUE OF CITIES,
Washington, DC, September 14, 1998.

Hon. SLADE GORTON,
Chairman, Subcommittee on Interior Appropriations, U.S. Senate, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Subcommittee on Interior Appropriations, U.S. Senate, Washington, DC.

DEAR CHAIRMAN GORTON AND SENATOR BYRD: I am writing to you on behalf of the National League of Cities (NLC) to urge you to support the Enzi/Sessions amendment to the FY '99 Interior Appropriations Bill which seeks to continue the moratorium on implementation of procedures by the U.S. Secretary of the Interior for fiscal year 1999. The NLC urges support of the Enzi/Sessions amendment in order to slow the creation of new trust land. While further legislation is required to remove the power of the Interior Secretary to administratively create enclaves exempt from state and local regulatory authority, passage of this amendment would be a first step in this process.

Because passage of the Enzi/Sessions amendment would slow the creation of new trust land in one narrow set of circumstances, NLC urges support of this amendment as a first step. The concept of allowing an appointed federal official to overrule and ignore state and local land use and taxation laws through the creation of trust lands flies in the face of federalism and intergovernmental comity.

The membership of the NLC has adopted policy which declares that: "lands acquired by Native-American tribes and individuals shall be given corporate, not federal trust, property status." This policy is advocated "in order that all lands may be uniformly regulated and taxed under municipal laws."

The Supreme Court has ruled that provisions of the Indian Gaming Regulatory Act, 25 U.S.C. 2701 et seq. (IGRA) violate certain constitutional principles that establish the obligations, immunities and privileges of the states. The Interior Department appears to be determined to implement the remaining provisions of IGRA despite the fact that the Supreme Court decision really requires a congressional re-examination of the IGRA statute and the more general topic of trust land designation. For these reasons, the NLC strongly urges Congress to extend the current moratorium, as proposed in the Enzi/Sessions amendment, through fiscal year 1999.

Sincerely,

BRIAN J. O'NEILL,
President and Councilman.

Mr. ENZI. Mr. President, there is a growing number of groups, including the Christian Coalition which is very concerned about the explosion of unregulated gaming in America. I have a letter from the Christian Coalition. I share with you a paragraph from that.

Under the Indian Gaming Regulatory Act, every State has the right to be directly involved in tribal-state compacts without Federal interference. Every state also has the right, as upheld by the Supreme Court in the Seminole Tribe of Florida v. Florida decision, to raise its 11th Amendment defense of southern immunity if a tribe tries to sue the state for not approving a casino compact. However, in the wake of the Seminole decision, the Department of Interior has created new rules whereby a tribe can negotiate directly with the Secretary of Interior on casino gambling compacts and bypass a state's rights to be involved. These new rules are a gross violation of states' rights. An unelected cabinet member should not be given sole authority to direct the internal activities of a state, especially with regards to casino gambling contracts.

Christian Coalition is also very concerned with the severe social consequences of casino gambling. There is much evidence that the rise of casino gambling leads to a rise in family breakdown, crime, drug addiction, and alcoholism. With such staggering repercussions, it is vital that tribal-state gambling contracts remain within each individual state and not be commandeered by an unelected Federal official.

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:

CHRISTIAN COALITION,
Washington, DC, July 9, 1998.

DEAR SENATOR: When the Senate considers the FY '99 Interior appropriations bill, an amendment sponsored by Senator Enzi (WY) and Senator Sessions (AL) is expected to be offered. This amendment would protect states' rights in negotiating tribal-state compacts, especially when negotiating casino gambling.

Under the Indian Gaming Regulatory Act, every state has the right to be directly involved in tribal-state compacts, without federal interference. Every state also has the right, as upheld by the Supreme Court in the *Seminole Tribe of Florida v. Florida* decision, to raise its 11th Amendment defense of sovereign immunity if a tribe tries to sue the state for not approving a casino compact. However, in the wake of the *Seminole* decision, the Department of Interior has created new rules whereby a tribe can negotiate directly with the Secretary of Interior on casino gambling compacts and bypass a state's right to be involved. These new rules are a gross violation of states' rights. An unelected cabinet member should not be given sole authority to direct the internal activities of a state, especially with regards to casino gambling contracts.

Christian Coalition is also very concerned with the severe social consequences of casino gambling. There is much evidence that the rise of casino gambling leads to a rise in family breakdown, crime, drug addiction and alcoholism. With such staggering repercussions, it is vital that Tribal-State gambling compacts remain within each individual State and not be commandeered by an unelected federal official.

The Enzi/Sessions amendment would prohibit the Secretary of Interior, during fiscal year 1999, from establishing or implementing any new rules that allow the Secretary to circumvent a state in negotiating a tribal-state compact when that state raises its 11th amendment defense of sovereign immunity. It also prohibits the Secretary from approving any tribal-state compact which has not first been approved by the state.

Christian Coalition urges you to protect states' rights and vote for the Enzi/Sessions amendment to the FY '98 Interior appropriations bill.

Sincerely,

JEFFREY K. TAYLOR,
Acting Director of Government Relations.

Mr. ENZI. I want to point out that this amendment does not affect any existing tribal-State compact. It does not in any way prevent States and tribes from entering into compacts where both parties are willing to disagree on class 3 gambling on tribal lands within a State's borders. The amendment does ensure that all stakeholders must be involved in the process—Congress, tribes, States, the administration.

Mr. President, a few short years ago, the big casinos thought Wyoming would be a good place to gamble. The casinos gambled on it. They spent a lot of money. They even got an initiative on the ballot. They spent a lot more money trying to get the initiative passed. I became the spokesman for the opposition.

When we first got our meager organization together, the polls showed over 60 percent of the people were in favor of gambling. When the election was held, the casino gambling lost by over 62 percent, and it lost in every single county of our State. The 40-point swing in public opinion happened as people came to understand the issue and the implications of casino gambling in Wyoming.

That is a pretty solid message. We do not want casino gambling in Wyoming. The people who vote in my State have debated it and made their choice. Any Federal bureaucracy that tries to force casino gambling on us will obviously inject animosity.

Why did we have that decisive a vote? We used a couple of our neighboring States to review the effects of limited casino gambling. We found that a few people—a few people—make an awful lot of money at the expense of everyone else. When casino gambling comes into a State, communities are changed forever and everyone agrees there are costs to the State. There are material costs, with a need for new law enforcement and public services. Worse yet, there are social costs. And not only is gambling addictive to some folks, but once it is instituted, the revenues can be addictive, too.

But I am not here to debate the pros and cons of gambling. I am just trying to maintain the status quo so we can develop a legislative solution rather than a bureaucratic mandate.

Mr. President, the rationale behind this amendment is simple. Society as a whole bears the burden of the effects of gambling. A State's law enforcement, social services, communities, and families are seriously impacted by the expansion of casino gambling on Indian tribal lands. Therefore, a State's popularly elected representatives should have a say in the decision about whether or not to allow casino gambling on Indian lands. This decision should not be made unilaterally by an unelected Cabinet official. Passing the Enzi-Sessions amendment will keep all the interested parties at the bargaining table. By keeping all the parties at the table, the Indian Affairs Committee will have the time it needs to hear all the sides and work on the legislation to fix any problems that exist in the current system.

I urge my colleagues to stand up for the constitutional role of Congress and for the rights of all 50 States by supporting this amendment.

I thank the Chair and yield the floor.

Mr. CAMPBELL. Mr. President, I rise in opposition to the Enzi amendment on Indian gaming. I think it is patently unfair because it will result in preventing Indian tribes from engaging in business activities that are now enjoyed by non-Indian neighbors. If we are going to talk about the merits of gambling—and I noticed my friend from Wyoming spoke eloquently about the down side of gambling—maybe we ought to shut down Reno and Las Vegas so millions, hundreds of millions of Americans cannot go there because it is bad for their health or sight or something.

We are not here, by the way, Mr. President, to defend the actions of the Secretary of Interior, and I hope we will not confuse that. His mismanagement is one thing, but the letter of the law is something else. And I firmly believe you can't fix an otherwise good bill, this Interior appropriations bill, with a bad amendment. This simply makes a good bill bad.

The Indian Gaming Regulatory Act of 1988 was a compromise to give State governments a voice in what kind of gaming would occur on Indian reservations within a State's borders. This was an unusual break from Federal Indian policy because States have no constitutional role in negotiating with Indian tribes, as you know.

I was here in 1988, in fact, and helped write that original authorizing legislation, IGRA, the Indian Gaming Regulatory Act. There was no intent at the time to usurp State laws, but as with many laws we have passed, there have been unintended consequences. The way it was written, a State can prevent a tribe from operating gaming facilities on its reservation simply by refusing to negotiate with the tribe. And that, of course, was upheld in the Seminole decision. My friend from Wyoming has spoken to that.

But in 1988, it didn't occur to us, when we were writing the bill, that States might simply refuse to negotiate in good faith. Since tribes are limited to those types of gaming allowed under State law, we have tribes prohibited from being in the same business as their non-Indian neighbors. I think that is discriminatory in the least. It is wrong to do that, and I think it violates the treaties. I should also point out to my colleagues that in many cases non-Indian gaming is promoted and even operated by State governments. They certainly don't want the competition.

Since Congress' intent under IGRA was that States should not have the ability to unilaterally veto gaming on Indian land, the Department of Interior has proposed regulations to address this situation. Although the proposal may need refinement, we do not believe the Secretary should be precluded from at least developing and proposing alternative approaches to State-tribal impasses in the gaming negotiations. In fact, in a letter issued on September 9, the Bureau of Indian Affairs has stated the Enzi amendment could be very harmful in their ongoing negotiations.

Coming from a Western State, I am as supportive as anybody of States rights, but those who say this new procedure overrides the States are simply wrong. Under the draft proposal, if a State objected to a decision made by the Interior Secretary, that State could challenge that decision in Federal court. For those who claim the Interior Department is acting without legislative oversight, I would point out that Congress will have the authority to review any proposed regulations before they take effect. As those proposed regulations come before the authorizing committees, any new gaming regulations will get a careful review, and if, after input from the rest of the Senate, those regulations are found to be

unacceptable, they simply will not pass. We will legislate a new approach if they do not pass.

I understand that there are Members in the Chamber who are simply against gaming. That is not what this debate is about. Under Federal law, tribes are limited to the types of gaming allowed under the laws of the State in which they reside. In my own State of Colorado as an example, there are two tribes, the Southern Ute and the Ute Mountain Ute. They are limited to slot machines and low-stakes table games, just as the other gaming towns in Colorado. In Utah, State law prohibits all gaming. Therefore, no tribes can do any kind of gaming whatsoever, and the tribes in other States cannot do gaming if a State law prevents that.

Contrary to the statement already made that there have been no hearings, we have done hearings. We simply have not gotten to the important part of the legislation, which is a markup, but we will. This debate is about whether a Governor of a State can limit a type of business activity to certain ethnic groups. That is unfair and un-American. Let's not jeopardize a good bill with a bad amendment. I urge my colleagues to vote against the Enzi amendment and allow the regulatory and legislative process to work.

I yield the floor, Mr. President.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. Mr. President, I support the Enzi amendment. I think a statement may be helpful to my colleagues who have not followed this issue as closely as the Senators who have joined us on the floor for purposes of discussing this amendment, the statement of Justice Oliver Wendell Holmes that a page of history may be more instructive than a volume of logic. This issue dates back to the time of a court decision involving the Cabazon Indian Tribe. As a result of that decision, the Congress, in 1988, passed the Indian Gaming Regulatory Act, which has been referred to in the course of this debate as IGRA.

I think the philosophical underpinnings of that legislation continue to be valid. Let me make it clear, because sometimes my view is misconstrued, I support the right of Indian tribes to enjoy entrepreneurial gaming activities to the same extent that State law, as a matter of public policy, permits those entrepreneurial activities to be available to all. So this debate is not whether you agree with Indian gaming or disagree with Indian gaming. I believe the tribes, subject to the qualification I have just stated, have a right to participate in gaming to the extent that, as a matter of State policy, a State chooses to permit gaming entrepreneurial opportunities.

We have marked contrasts in the West. The State of Utah, as a matter of State law—as the distinguished Senator from Colorado just pointed out—as a matter of State policy, permits no form of gaming. It is, in my judgment, clear and properly so under IGRA that no tribe within the State of Utah would have a right to participate in any form of Indian gaming.

The contrast to my own State is quite marked. In Nevada, as a matter of public policy since 1931, a full range of gaming entrepreneurial activities are available to the citizens of Nevada, and it is clear that the tribes in Nevada have the same opportunity. And, indeed, there have been five compacts negotiated with the tribes in the State of Nevada to permit that.

Under IGRA, gaming is divided into three different categories referred to as class I, class II, and class III. Class I and class II are not a part of this discussion. Class I deals with traditional Indian games; class II deals with bingo, and class III deals with casino types of gaming, including slot machines.

Again, to repeat, the premise of IGRA is that a Governor of a State is obligated to negotiate with a tribe to provide the same opportunities to tribes in his or her State to the extent the States, as a matter of law, permit gaming in general in that State.

Here is what brings us to the floor again this year, as my distinguished colleague from Wyoming points out. Under IGRA, what is contemplated in those States that permit any form of gaming is a compacting process under State law, where the Governors—and, indeed, in the law of some States it is the Governors and the State legislators—are required to negotiate with the Indian tribes within that State to provide those tribes with an equal opportunity to participate in the entrepreneurial aspects of gaming. There is no quarrel by this Senator with respect to that approach.

Here is what gives us cause for great concern. Some tribes have asserted that if the Governors of a respective State refuse to grant them everything they want by way of gaming, even though what they want is beyond what is permitted as a matter of State law, that that constitutes bad faith in the negotiating process. They want to be able to bypass that process; namely, the negotiation with the Governors, and in some States the negotiations with the Governors that must be approved by the State legislature.

The Enzi amendment does two things. No. 1, it prevents the Secretary of the Interior from moving forward to promulgate the final regulation that would, in effect, seek by regulation to bypass or change the procedure that currently exists. The second thing the amendment does is to prevent the Secretary of the Interior from, in effect, bypassing the compacting process and authorizing a compact that is not in compliance with State law.

My colleague from Wyoming has pointed out that this is an issue that is bipartisan in nature; this is not something that divides us on a partisan basis. It does not divide us regionally. It does not divide us philosophically. Some of my colleagues who have spoken oppose gaming in all forms. I respect that. This Senator does not take that position. But the National Governors' Association, the National Association of Attorneys General—both organizations of which I have been privileged to be a member in the past when serving as attorney general and Governor of my State—have gone on record as supporting the Enzi amendment. The reason why they are supporting this amendment so strongly is they want to preserve the right of State governments to determine, as a matter of policy, what, if any, form of gaming activity is permitted.

So, for those who find some type of invidious discrimination in this process, I must say this Senator does not. To the extent that a State permits gaming, it is clear that Governors are obligated to negotiate that same right to Indian tribes within the State. To the extent that a State, such as Utah or Hawaii, permits no form of gaming, the Governors of those two States are not required to enter into any kind of compact because those States, as a matter of public policy, have the right to determine what that policy is, and they have said, as a matter of public policy, they oppose gaming, do not want any form to exist within the State.

I must say, I thought we had hopefully put this issue to rest a year ago when we offered a similar amendment to the appropriations bill. I thought we had sent a clear message that the Congress of the United States does not want the Secretary of the Interior to bypass a process provided by law; namely, for Indian tribes to negotiate with the Governors as to what kind of gaming activity is to be permitted in that State consistent with that State's public policy. No sooner had this issue been approved by this body, the other body, and it became part of the Interior appropriations bill last year, than the Secretary of the Interior began a rulemaking process that, in my judgment, is violative of the spirit and contrary to the law in terms of what is his authority.

It is that disagreement that brings Governors from all regions of the country, Democrat and Republican, in support of the Enzi amendment. It is that same concern that brings the Nation's attorneys general together in a similar bipartisan way to strongly support the Enzi amendment. They do so as a matter of preserving and protecting the ability of each State to determine how much, if any, or how little, gaming is to be permitted within that State.

So, this is not, my colleagues, an issue of whether one favors Indian

gaming or opposes Indian gaming. It is not an issue of whether you support gaming or oppose gaming. This amendment is designed to preserve the existing law which gives to each State Governor and the legislature the ability in that State to determine whether gaming is to be permitted and, if so, what form of gaming.

This is an extraordinarily significant piece of legislation. I must say, I am not familiar with any circumstances currently in the country where the tribes have not been able to negotiate a compact with those States that permit some form of gaming. At last count, there were 150 compacts negotiated in 20 States, pursuant to the law that was enacted by Congress in 1988. I am not suggesting that IGRA is perfect. I am not suggesting that some modification or change may not be needed with respect to some aspect. But that is a decision for the Congress of the United States, not a decision for the Secretary of the Interior. So I implore my colleagues to support the Enzi amendment in a bipartisan fashion, because what it seeks to accomplish is to reserve to the respective States the ability to determine what public policy will be with respect to gaming activities conducted within that State.

As I have observed throughout my comments, to the extent that a State as a matter of public policy has determined that they will permit some form of gaming, it is clear in IGRA that State Governors are obligated to negotiate those same entrepreneurial opportunities, and I have no quarrel with that. That is the law. But what we are really talking about here is an attempt to make an end run around IGRA. To the extent that the Secretary of the Interior, by regulation or by determining that an impasse exists, is able to bypass the State compacting process, no longer is it the State determining what the public policy with respect to gaming in that State may be. It is the Secretary of Interior. I have great respect for the Secretary of Interior but, with great respect, that is not an authority that he, or any Secretary of Interior, ought to have.

That is an authority that ought to be reserved to the State and the State legislature. We would do real violence to the very carefully crafted balance that was accomplished in IGRA when that was adopted a decade ago.

For that reason, Mr. President, I urge my colleagues to support the Enzi amendment when this comes for a vote. I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have the greatest respect for the junior Senator from Wyoming. I have heretofore on other occasions accepted and supported his various concerns in this area, but I want to share with him and the Senate a situation that perhaps deserves some special consideration for New Mexico, even if it is for a time certain. Let me, as best I can, explain this.

First of all, there is a case called the Seminole case, very much understood in Indian country. It pertains to gaming in this manner. The Federal courts have ruled under the Seminole case that the States are immune from suit and that means they can't be sued by an Indian tribe. So we start with that premise.

In the State of New Mexico, we have 14 Pueblos and two Apache tribes that have gaming houses and have compacts. But the compacts are very different than anyone else's in the country, for a couple of reasons.

First of all, in order to make the compacts valid, the Supreme Court of the State of New Mexico ruled that the legislature had to be involved in getting this done, not just the Governor. The State of New Mexico, through its legislature, I say to my friend Senator ENZI, came along and imposed, not by way of compact agreement, but just imposed as part of the authority for the Governor to enter into a compact, that each casino owned by the various Indian groups be charged 16 percent on gross slot machine revenues.

Obviously, that has not been negotiated, and my friend from Nevada is talking about compacts that are negotiated and that he doesn't know of any situation where they were not negotiated. I am suggesting one where they were not negotiated, but pursuant to a mandate from the legislature that charged them 16 percent gross tax on slot machines. They either took it or left it. The Secretary, I say to the Senator from Wyoming, said, "I'm not going to sign the pacts, because if I sign them, I am at least implicitly agreeing that the legislature can tax Indian casinos."

He let the pacts go in under a provision that says if he doesn't sign it within a certain amount of time, it goes into effect anyway.

We have compacts with our Indian tribes being assessed 16 percent, and I am not here to ask the U.S. Senate for relief from that, for I don't even know if 16 percent is right or not. All I know is it is a very big piece of money for very small casinos, but we have nothing yet in New Mexico that rivals the smallest, most minute casino in the State of the distinguished Senator from Nevada who just argued in favor of the Enzi amendment. They are very small casinos, with one exception, and even that is not a rival to anything the Senator has in a State that has legalized gaming.

Our Indian people would like to contest the 16 percent. Isn't it interesting, the Seminole case, which I just recited, prevents them from going to court, so they can get no relief from what they want to argue is an illegal imposition of this license fee, or at least arbitrary and unreasonable based upon what they are making. There they sit.

The point of it is there is at least a hope and an avenue for potentially getting this issue into the courts if you leave the section in the law that Senator ENZI chooses to remove from the law, because it provides for a remediation section and a Secretarial procedure which is being removed, so we will leave them in the status quo with no way to challenge.

Frankly, I repeat, I don't know whether their challenge is going to be valid or not, but it seems a little bit unfair that there is no way to challenge it even when a Secretary of the Interior is suggesting that the States didn't have the authority to impose that tax or that much. The Secretary can't do anything about it either, because all he does is sign the pacts or let them go into effect based on the expiration of time. In either case, you will have left the 16 percent license fee, gross fee, in place with no way to challenge it in any court because of the Seminole case.

I say to the Senator from Wyoming, he is probably going to win today. I haven't had a chance to explore how we might effect some justice and fairness here, but I do suggest that it is at least right for me to come down here and object, and I believe there might be a way that you can ameliorate New Mexico's problem by exempting them, by leaving the statute that we are concerned with in place for the New Mexico licensed casinos.

If you say you don't want it anywhere else, you want to wipe it out because it may have an opportunity to get around the need for compacts, you could at least leave it in effect somehow or another for those in New Mexico who are suffering under the situation which I have just described.

Having said that, because of this, obviously I can't vote aye on the amendment. You don't need to worry because I haven't been out lobbying Senators because this is a particular problem, very peculiar and particular to New Mexico. The Indian people think they have a case for just fairness, that they ought to be able to challenge this, and they will never have a chance to challenge it if your amendment wipes out the statute which gives the Secretary some additional power.

The Pueblo of Laguna in New Mexico has done a great deal of research on this. I ask unanimous consent that their analysis be printed in the RECORD.

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

ENZI-REID-SESSIONS RIDER MUST BE REJECTED—CONGRESS SHOULD NOT ALTER FEDERAL POLICY AND STATUTORY PROTECTIONS OVER INDIAN AFFAIRS BY ATTACHING RIDERS TO ANNUAL APPROPRIATIONS BILLS

A. ENZI-REID-SESSIONS RIDER IS A MEANS OF IMPROPERLY CIRCUMVENTING FEDERAL LAW WHICH PROTECTED TRIBAL GOVERNMENTS

Enzi-Reid-Sessions Rider is an unfair, bypass of the legislative process.

Enzi-Reid-Sessions Rider unfairly subordinates tribal authority to pursue reservation economic development in violation of the federal trust responsibility to protect Indian tribes and to promote tribal economic self-determination.

Enzi-Reid-Sessions Rider would effectively give states what amounts to a unilateral "veto" over Indian gaming, which is inconsistent with federal law, the Indian Gaming Regulatory Act of 1988 ("IGRA").

Enzi-Reid-Sessions Rider is a drastic means to amend IGRA, and it would alter a change in federal-tribal relations. Such a drastic change should not be done through the mechanism of a budget rider attached to a spending bill, with no hearings, findings, tribal consultation of input.

Enzi-Reid-Sessions Rider will deny Indian tribes notice and an opportunity for hearing which is tantamount to a denial of the "due process" guaranteed by the U.S. Constitution.

B. THE GAMING TRIBES IN NEW MEXICO WILL HAVE NO REMEDY TO ADDRESS THE INJUSTICES THAT OCCURRED OVER THE STATE'S FAILURE TO NEGOTIATE OVER GAMING ACTIVITIES ON TRIBAL LANDS

In New Mexico, IGRA's Secretarial procedures provisions are necessary to provide a remedy to the tribal governments who have been unsuccessful in obtaining negotiated tribal/state Class III compacts, a negotiated process that the states clamored to obtain when IGRA was enacted. There are 14 compacts in New Mexico, known as the "HB 399 Compacts" which are the product of a state legislative process, and which were not negotiated by any of the gaming tribes.

The gaming tribes in New Mexico were forced to (1) to accept the compacts that they had no voice in drafting and which were contrary to the federal law which authorized the compact, or (2) to reject HB 399 and risk closure and criminal prosecution by the U.S. Attorney. No state in this country would tolerate such unfair and coerced treatment by another government.

Some gaming tribes in New Mexico have challenged certain provisions of the New Mexico HB 399 compacts as being contrary to IGRA, and therefore, a violation of federal law. HB 399 calls for a 16 percent "revenue-sharing" with the state and hefty flat regulatory fees, even through IGRA prohibits the state from assessing fees, taxes, and other levies on tribal gaming and requires that regulatory costs bear relation to the actual costs of regulating gaming activists.

In addition, opponents of New Mexico Indian gaming have challenged the validity of HB 399 compacts. If this action succeeds, the gaming tribes will be prevented from getting the state to the negotiating table, due to the state's 11th Amendment immunity from suit. Again, the unfair and unjust result will be that gaming tribes in New Mexico will have no remedy to address these federal law violations.

The Pueblos and Indian tribes in New Mexico who may seek to conduct lawful gaming activities on their tribal lands will have no avenue to bring the state to the negotiating table. This is an unfair and unjust result that will leave these tribes with no remedy.

PUEBLO OF LAGUNA POSITION ON "ENZI-REID-SESSIONS" INDIAN GAMING RESTRICTIONS FY 1999 INTERIOR APPROPRIATIONS BILL

The Pueblo of Laguna strongly opposes the budget riders to the FY 1999 Interior Appropriations Bill, which would place restrictions on Indian gaming activities that are otherwise recognized and authorized pursuant to the Indian Gaming Regulatory Act of 1988 ("IGRA"). Enzi-Reid-Sessions amendment to the Interior Appropriations Bill ("Enzi-Reid-Sessions Rider") would prohibit the Secretary of the Interior from promulgating alternate compacting procedures where an impasse occurs in tribal-state negotiations, and it would prevent the Secretary from approving Class III gaming compacts that have not been the product of the tribal-state negotiation and agreement Enzi-Reid-Sessions Rider would constitute an unfair circumvention of IGRA's provisions which were designed to protect tribal governments. Enzi-Reid-Sessions Rider will constitute an denial constitutional due process because gaming tribes in New Mexico will be left without a remedy to address injustices that over occurred over gaming.

The Pueblo of Laguna protests these budget riders on substantive and procedural grounds. First, the budget riders unfairly subordinate an area of inherent tribal governmental authority, on reservation economic development, to state government authority in violation of the Federal trust responsibility to protect Indian tribes from the often hostile state governments. Second, since the formation of the Union, the United States has dealt with Indian tribes on a bilateral government-to-government basis because Indian peoples have a natural, human right to self-government that predates the formation of the United States. The proposed budget riders amount to nothing less than legislative "fiats," which disregard our government-to-government relationship and tread on our inherent, human right to self-government on our traditional homelands.

Before the passage of the Indian Gaming Regulatory Act of 1988 ("IGRA"), states had no authority to regulate Indian gaming. The regulation of Indian gaming was the subject of inherent tribal government authority. The states, however, clamored for the passage of the IGRA to provide them a "voice" in the development of Indian gaming regulatory systems. Hence, IGRA was enacted to build strong tribal governments, spark economic opportunities on depressed tribal lands and economies, and it was a compromise that provided states an opportunity to negotiate in "good faith" for a role in regulating gaming on Indian lands. As initially enacted, IGRA gave states a "voice" in regard to Indian gaming, not a "veto." IGRA's "good faith negotiation" provision mandated states to negotiate in good faith for Class III compacts with Indian tribes for gaming activities that are permitted to be played in the state by any person or entity. Tribes do not have to blindly accept state regulatory laws because we have our own laws. IGRA intends tribes and states to enter the negotiation and true sovereign-to-sovereign accommodation. If states decline to negotiate in good faith, IGRA provides tribes with a remedy; IGRA authorized tribes to sue states in federal court for failure to conduct good faith negotiations.

In 1996, the U.S. Supreme Court disrupted this careful compromise between tribal and state interests by striking down the authorization to tribes to sue states for failure to negotiate in good faith on the grounds that the states' 11th Amendment immunity from suit bars such an action in federal court (even though the states had originally asked Congress for the opportunity to negotiate compacts with tribes). However, the Court left intact IGRA's provision which allow the Secretary of the Interior to promulgate alternate regulations for the Class III gaming where an impasse develops in state-tribal gaming negotiations. That is because, under the Federal trust responsibility to protect Indian tribes, Congress never intended to leave tribes completely at the mercy of the states in regard to Indian gaming. Congress intended to authorize only "good faith" sovereign-to-sovereign negotiation. Yet is important to recognize that state gaming laws and policy are adhered to under the Secretarial procedures avenue. Therefore, the Secretarial procedures do not provide a "bypass" of state law, as alleged by the proponents of the Enzi-Reid Sessions Rider.

The Pueblo of Laguna strongly opposes the Enzi-Reid-Sessions Indian gaming restrictions budget rider to the FY 1999 Interior Appropriations Bill.

A. THE ENZI-REID-SESSIONS RIDER UNDERMINES FEDERAL LAW AND POLICY REGARDING TRIBAL SELF-GOVERNMENT AND THE FEDERAL/TRIBAL GOVERNMENT TO GOVERNMENT RELATIONSHIP

1. *Self-Government is a Natural Right of Indian Peoples.* Tribal governments predate the formation of the United States, and as Indian peoples, we retain our original, natural right to govern ourselves on our own lands. Under the Federal trust responsibility to protect Indian tribes, Congress should develop Indian affairs legislation based on consultation and consensus with Indian tribes. Anything less deprives Indian tribes of our inherent human rights to self-government. The Enzi-Reid-Sessions Rider would constitute an extreme altering of the comprehensive IGRA legislation, which strikes a careful balance between federal, tribal, and state interests. It is inappropriate and disrespectful to pursue such important substantive tribal legislation as budget riders to annual appropriations measures. The attempt to alter the face of such legislation would signal a change in federal-tribal relations. Clearly, this should not be done through the mechanism of a budget rider attached to a spending bill, with no hearings, findings, tribal consultation or input.

2. *Government-to-Government Relations.* The Enzi-Reid-Sessions Rider would undermine the government-to-government relationship between the United States and the Indian nations, which is grounded in the United States Constitution and reflects inherent tribal rights of self-government. Congress has long recognized its trust responsibility to protect and promote tribal self-government. At the very least, members of Congress should have the opportunity to fully examine what impact the Enzi-Reid-Session Rider will have upon tribal governments and to hear from the tribal governments that will be impacted by the legislation. Clearly, adoption of the Enzi-Reid-Sessions Rider will undermine this government-to-government relationship. Moreover, denying Indian tribes notice and an opportunity for hearing is tantamount to a denial of the "due process" guaranteed by the United States Constitution.

B. NEW MEXICO GAMING TRIBES NEED IGRA'S ALTERNATE SECRETARIAL PROCEDURES TO PROVIDE ADEQUATE SAFEGUARDS AND RELIEF

1. *Without IGRA's Secretarial procedures, tribes in New Mexico will have no remedy.* In

New Mexico, the IGRA's alternate procedures are necessary to provide a remedy to the tribal governments who have been unsuccessful in obtaining negotiated tribal/state Class III Gaming compacts. Currently, there are 14 compacts in effect in New Mexico since 1997. They were never negotiated and they contain provisions which are detrimental to tribal governments and which may be in violation of federal policy. These compacts are referred to as "HB 399 Compacts" because they are the product of a state legislative process which has no room for tribal governments at the negotiating tables. (HB 399 refers to the House Bill enacted by the New Mexico Legislature). The gaming tribes in New Mexico were faced with the unconscionable choice: (1) to accept the compacts that they had no voice in drafting and which appeared to violate the federal law which authorized the compact, or (2) to reject HB 399 and risk closure and criminal prosecution by the U.S. Attorney. No state in this country would tolerate such unfair and coerced treatment by another government.

2. The HB 399 Compacts impose an impermissible 16 percent gross receipts "tax" on the Indian tribes of New Mexico, which the tribes must pay to the state before they earn one penny for themselves from their own establishments. As a result, some of New Mexico's tribes are no longer able to profitably operate gaming establishments. Two of the Pueblos have filed a federal court action against the Secretary of the Interior relating to his failure to review and remove HB 399's sixteen percent of slot machine revenue sharing requirement, and the hefty flat regulatory fees that must be paid to the sate pursuant to HB 299, as both being violative of federal law. IGRA prohibits the state from assessing fees, taxes and other levies on tribal gaming, and it requires that regulatory costs must bear relation to the actual costs of regulating Indian gaming. The United States has filed a motion to dismiss based on the legal argument that the case cannot go forward without the state of New Mexico, because the state is an indispensable party that cannot be jointed due to its 11th Amendment immunity from suit. Therefore, the alternate Secretarial procedures authorized by IGRA are necessary to provide the New Mexico gaming tribes a remedy in the event that the Pueblos are judicially prevented from obtaining relief. Preferably, the New Mexico gaming tribes would prefer to seek a negotiated resolution with the state to resolve these types of issues; but, pursuant to the states' 11th Amendment immunity, the state cannot be compelled to negotiate with tribal governments over these matters.

3. HB 399 also contains a binding arbitration provision which is designed to provide a mechanism to address and resolve any breaches of the compact of failure to comply therewith. Accordingly, other tribes in New Mexico are engaged with the state in binding arbitration over the sixteen percent revenue sharing and the regulatory fees. However, in this context there is a real question of whether the arbitrator can address the constitutional preemption question of whether the IGRA preempts HB 399's flat assessment of a set revenue sharing and regulatory fees. Assuming that the New Mexico gaming tribes are prevented form going forward with their federal court action and assuming that the HB 399's arbitration process lacks the requisite authority to decide federal preemption questions, the tribes will be left without any remedy to address these important issues.

4. In addition to the above-stated obstacles, other opponents of Indian gaming in New Mexico have filed an action challenging the validity of HB 399. If this action is successful, the tribes will be without a remedy in any forum.

Clearly, New Mexico and other states should not be given what amounts to a "veto" over Indian gaming by the Enzi-Reid-Sessions Rider. New Mexico Indian gaming is a good, productive local industry, which we respectfully submit should be protected by our New Mexico delegation from anti-Indian gaming legislation offered by delegations from other states.

THE NEED FOR SECRETARIAL PROCEDURES: STATE LAW INVALIDATION OF APPROVED COMPACTS

Under the decisions in State ex rel. Clark v. Johnson and Pueblo of Santa Ana v. Kelly, a tribal-state class III gaming compact that has been approved by the Secretary and has "taken effect" under IGRA can nevertheless be declared invalid on the basis of a state-court determination that the compact was never validly entered into by the state. Such a decision, based strictly on principles of state statutory or constitutional law, would be unreviewable by any federal court.

The case of State ex rel. Coll v. Montoya, currently pending in state district court in Santa Fe (on temporary remand from the state Supreme Court), is a broad attack on the validity of House Bill 399, as enacted by the 1997 New Mexico legislature, the bill that authorized the governor to sign compacts and revenue-sharing agreements with the tribes. Just as in Clark, the tribes are not parties to the case, and so far the courts have turned a deaf ear to the argument that inasmuch as the case seeks to invalidate the compacts, it should not be allowed to proceed in the absence of the tribes as parties. (In federal court, that point would conclusively lead to dismissal of the case.)

If the Supreme Court were ultimately to rule for the plaintiffs in Coll, and hold that HB 399 is invalid, that could mean that Gov. Johnson never had valid authority from the legislature to sign the compacts, and that the compacts are "void ab initio" (invalid from their inception), as the court said in Clark.

In short, even if a state legislature agrees to a compact, and the compact is approved and takes effect under IGRA, the decisions in Clark and Santa Ana mean that state courts are still free to invalidate the compact on state law grounds, even without the tribes being able to be heard. Tribes attempting to operate in good faith under approved compacts thus have no legal protection whatever, and their rights can be cut off at the whim of a state Supreme Court.

Allowing the regulations authorizing the Secretary to issue "procedures" under which a tribe could conduct class III gaming even if the state refuses to enter into a compact provides tribes with some leverage against recalcitrant states, and against parties who would seek to invalidate approved compacts as described above. By giving the tribes an alternative, assuring them that (as Congress intended) they would be able to conduct class III gaming that is permitted in the state even if they cannot achieve valid, approved compacts, the regulations change the strategic balance as between tribes and the state. The state will be forced to act reasonably, and anti-gaming zealots will be forced to recognize that by going to court to attack approved compacts they may cause a situation in which tribes will be able to engage in class III gaming (under secretarial procedures) with the state cut out of the process (and the revenues) entirely. This restores the balance that Congress attempted to create in IGRA, and gives the tribes a fair opportunity to enjoy this important economic development opportunity.

Mr. DOMENICI. I thank the Chair, and I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Thank you, Mr. President.

I would first like to congratulate the Senator from Wyoming, Senator ENZI for his amendment and his work on this issue. In his comments he has laid out a detailed and comprehensive analysis of the problem and has stated plainly and with integrity and insight exactly how it is we ought to deal with it.

Let me try to briefly share some thoughts I have on this matter. I was attorney general of the State of Alabama. In this capacity I was one of 25 attorneys general who signed, just over two years ago, a letter to the Secretary of the Interior indicating to him our firm conviction and legal opinion that he did not have the authority to enter into compacts with Indian tribes in the manner detailed in the proposed regulations he drafted. Let me tell you why that is very important.

Alabama has one recognized Indian tribe, the Poarch Band of Creek Indians, a very fine group. Chairman Tullis of that tribe is a friend, and I have known him for many years. We had occasions, when I served as Federal U.S. attorney, to work on a number of issues, and I have always admired his commitment and work.

He has at that Indian tribe a large bingo parlor. They make a considerable amount of money on it. Under Alabama law the tribe has the ability to build a horse racetrack or a dog racetrack. But under the law the tribe does not and has not been given the authority by the Governor of the State of Alabama to build a casino. Alabama has debated this repeatedly, and the casino advocates have failed.

Let me provide some further background on this Alabama example. In Alabama, the Poarch Creek tribe has about 2000 members, and it owns about 600 acres of property. It has been recognized for less than 30 years, and it is a small tribe. But they own property, near both Mobile, AL, where their primary location is, and also near Wetumpka, Alabama. The city of Wetumpka is near Montgomery, AL, and is roughly 180 miles away from Mobile. The tribe would like to build casinos outside of Mobile and outside of Montgomery and Birmingham, AL, in the little town of Wetumpka where they have property.

Do you see the significance of this? If the Secretary of the Interior can override the opinion of the people of the

State of Alabama and give this Indian tribe the right to build casinos on their land, then they could build at least two, maybe three casinos in Alabama and would, in fact, abrogate the considered will of the people of the State who have consistently rejected casino gambling.

It is just that simple. This is not an insignificant matter. We are talking about giving the Secretary of the Interior, who is now under investigation by a special prosecutor for campaign contributions arising out of his approval of one Indian tribe's activities with regard to gambling, the unilateral authority to override the considered opinion of States all over this country. If this amendment doesn't pass we are talking about the Secretary of the Interior having the ability to enrich selected tribes by millions or hundreds of millions of dollars overnight by the stroke of a pen.

That is a powerful thing. You can raise a lot of campaign money with that ability to do such a thing. I do not think it is healthy. The attorneys general association, the National Association of Attorneys General, steadfastly opposes the regulations promulgated by the Secretary of Interior that would give him this ability, and strongly supports the Enzi-Sessions amendment. Allowing the Secretary to have this kind of power is wrong. He does not have the constitutional power to do it, first, in my opinion, yet he persists in suggesting that he does and is moving forward with regulations that appear to suggest that in fact he will.

So what is the first thing that is going to happen if the Secretary's regulations are enacted? Lawsuits are going to spring up all over the country attacking his authority to do this and cost all kinds of money. And we are going to continue with litigation involving it. I think ultimately he is going to lose. But what we are saying is, let us not go down that road; let us not do that.

Let me show you what the midsized city of Wetumpka feels about this issue. Wetumpka is a wonderful town. I have a number of friends there. This is what the mayor, Jo Glenn, wrote me. She writes this:

> Our infrastructure and police and fire departments could not cope with the burdens this type of activity would bring. [That is a casino.] The demand for greater social services that comes to the area around gambling facilities could not be adequately funded. Please once again convey to Secretary Babbitt our city's strong adamant opposition to gaming facilities.

The City of Wetumpka support this amendment. Additionally, the Montgomery Advertiser states in an editorial written opposing the Secretaries proposed regulations that:

> Direct Federal negotiations with tribes without State involvement would be an unjustifiably heavy-handed imposition of authority on Alabama. The decision whether to allow gambling here is too significant a decision economically, politically, socially to be made in the absence of extensive State involvement. A casino in Wetumpka—not to mention the others undoubtedly that would follow in other parts of the State—has implications far too great to allow the critical decision to be reached in Washington. Alabama has to have a hand in this high-stakes game.

Let me note that others have expressed similar objections to the Secretary's proposed regulations. Attorney General Robert Butterworth of Florida and Attorney General Gale Norton of Colorado have written expressing support for this amendment. My successor as Attorney General of Alabama, Bill Pryor, who is a brilliant lawyer, Tulane graduate, editor-in-chief of the Tulane Law Review, and a fine legal scholar—says:

> Again, I strongly support the proposed amendment [Enzi-Sessions]. I have no confidence that the Secretary listens when the states tell him that he lacks the power to override their Eleventh Amendment immunity and that he operates under an incurable conflict of interest when he proposes to act [himself] as a mediator. The proposed amendment is necessary to stop further action on the Secretary's part.

His opinion is shared, as I mentioned, by the National Association of Attorneys General. A number of other attorneys general have written me to express that same position as well.

Mr. President, I say again, this is not a matter of theoretical debate now. We are beyond that. It is a matter of real public policy. And if you allow every Indian reservation in America to overnight, or step by step, tribe by tribe, after having to wine and dine the Secretary of the Interior and sweet-talk the Secretary of the Interior and the President and maybe making campaign contributions, to induce him to approve gambling, then we are going to have one of the most massive erosions of the public's ability to set social policy within their State we have ever seen. This is really a major event.

Senator ENZI's proposal is reasonable. I am proud to be a cosponsor with him on it. It simply delays this thing so we can make sure we are doing the right thing.

As to Senator DOMENICI's problem, I think that will need to be dealt with specifically and not as part of this amendment. But I believe we cannot allow this amendment to fail. The Governors, the attorneys general, groups like the Christian Coalition, and others, support this amendment, because they recognize the negative consequences that arise from allowing the Secretary of Interior to exert this sort of power.

I again thank Senator ENZI for his leadership.

Mr. President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise today, as I have in prior years, to oppose the amendment proposed by my colleague, the Senator from Wyoming, Senator ENZI.

Mr. President, I have had the privilege of serving on the Committee on Indian Affairs for over 20 years. And I believe that in order to fully appreciate and understand the matter before us, a brief review of the history of our relationship with Indian country might help, because over the course of those 20 years, I have learned a bit about the state of Indian country and the pervasive poverty which is both the remnant and result of too many years of failed Federal policies.

Mr. President, there was a time in our history when the native people of this land thrived. They lived in a state of optimum health. They took from the land and the water only those resources that were necessary to sustain their well-being. They were the first stewards of the environment. And those who came later found this continent in pristine condition because of their wise stewardship.

Even after the advent of European contact, most tribal groups continued their subsistence way of life. Their culture and their religions sustained them. And, Mr. President, they had very sophisticated forms of government, so sophisticated and so clearly efficient and effective over many centuries that our Founding Fathers could find no other better form of government upon which to structure the government of a new nation, the United States of America.

So our Founding Fathers—Benjamin Franklin, THOMAS Jefferson—adopted the framework of the Iroquois Confederacy, a true democracy, and it is upon that foundation that we have built this great Nation. But, unfortunately, there came a time in our history when those in power decided that the native people were an obstacle, an obstruction to the new American way of life and later to the westward expansion of the United States.

So our Nation embarked upon a course of terminating the Indians by exterminating them through war and the distribution of blankets infected with smallpox. We nearly succeeded in wiping them out. Anthropologists and historians estimate that there were anywhere from 10 million to 50 million indigenous people occupying this continent at the time of the European contact. By 1849, when the United States finally declared an end to the era known as the Indian wars, we had managed to so efficiently decimate the Indian population that there were a mere 250,000 native people remaining in the lower 48.

Having failed in that undertaking, we next proceeded to round up those who survived, forcibly marched them away from their traditional lands, and across the country. Not surprisingly, these forced marches—and there were many

of these trails of tears—further reduced the Indian population because many died along the way.

Later, we found the most inhospitable areas in the country on which to relocate the native people and expected them to scratch out a living there. Of course, we made some promises along the way; that in exchange for tribal lands in the millions of acres we would provide them with education—at least we promised them education—health care and shelter.

We told them, often in solemn treaties, that these new lands would be theirs in perpetuity. There are many wonderful treaties in our archives, some that begin with phrases:

As long as the sun rises in the East and sets in the West, and waters flow from the mountain tops to the sea, this land is yours.

We promised them that their traditional way of life would be protected from encroachment by non-Indians and that we would recognize their inherent right as sovereigns to retain all powers of government not relinquished. Their rights to hunt, fish, gather food, to use the waters that were necessary to sustain life, were also recognized as preserved in perpetuity for their use.

But over the years, these promises and others were broken by our National Government, and our vacillations in policies, of which there were many, left most reservation communities in economic ruin.

It grieves me to repeat this, but there were 800 treaties solemnly entered into by the Government of the United States and the leaders of Indian country—800. It was the responsibility of this body, the U.S. Senate, to ratify these treaties. Mr. President, 430 of them were ignored. They lie in our files at this moment; 370 were ratified by the U.S. Senate. And of the 370, we proceeded to violate every single one of them.

The cumulative effects of our treatment of the native people of this land have proven to be nearly fatal to them. Poverty in Indian country is unequal anywhere else in the United States. The desperation and despair that inevitably accompanies the economic devastation that is found today in Indian country accounts for the astronomically high rates of suicide and mortality from diseases. For Indian youth between the ages of 18 and 25, the rate of suicide is 14 times the national norm of the United States.

Within this context, along came an opportunity for some tribal governments to explore the economic potential of gaming. It didn't prove to be a panacea, but it began to bring in revenues that tribal communities didn't have before. Then the State of California entered this picture by bringing a legal action against the Cabazon Band of Mission Indians, a case that ultimately made its way to the Supreme Court.

Consistent with 150 years of Federal law and constitutional principles, the Supreme Court ruled that the State of California could not exercise its jurisdiction on Indian lands to regulate gaming activities.

This was in May of 1987. In the aftermath of the Supreme Court's ruling, we got into the act, the Congress of the United States. During the 100th session of the Congress, I found myself serving as the primary sponsor of what is now known as the Indian Gaming Regulatory Act of 1988. There were many, many hearings and many, many drafts leading up to the formulation of the bill that was ultimately signed into law.

Initially, our inclination was to follow the well-established and time-honored model of Federal Indian law which was to provide for an exclusively Federal presence in the regulation of gaming activities on Indian lands. The Constitution and the laws of our land say the relationship will be between the Federal Government and the Indian government. Such a framework would have been consistent with constitutional principles, with the majority of our Federal statutes addressing Indian country, and would have reflected the fact that as a general proposition, it is Federal law, along with tribal law, that governs most all of what may transpire in Indian country.

But State government officials—Governors, attorneys general—came to the Congress, demanding that a role in the regulation of Indian gaming be shared with them. Ultimately, we acquiesced to those demands. After much thought, many hearings, much debate, the Congress of the United States selected a mechanism that has become customary in dealings amongst sovereign governments.

This mechanism, a compact between a State government and a tribal government, would be recognized by the Federal Government as the agreement between two sovereigns as to how the conduct of gaming on Indian lands would proceed.

The Federal participation in the agreement would be accomplished when the Secretary of the Interior approved the tribal-State compact as part of the law. In an effort to ensure that the parties would come to the table and negotiate a compact in good faith, and in order to provide for the possibility that the parties might not reach agreement, we also provided a means by which the parties could seek the involvement of the Federal district court, and if ordered by the court, could avail themselves of a mediation process. It is not for the Indian leaders to determine whether the process is being carried out in good or bad faith.

The court will decide that, and the court is not an Indian court. It is the district court of the United States of America. That judicial remedy and the potential for mediated solution when the parties find themselves at an impasse has subsequently been frustrated by the ruling of the Supreme Court upholding the 11th amendment, the amendment that provides immunity to the several States of the Union.

Thus, while there are some who have consistently maintained that sovereign immunity is an anachronism in contemporary times, in this area at least, the States still jealously guard their sovereign immunity to suit in the courts of another sovereign.

In so doing, the States have presented us with a clear conflict, which we have been trying to resolve for several years.

Although 24 of the 28 States that have Indian reservations within their boundaries have now entered into 159 tribal-state compacts with 148 tribal governments, there are a few States in which tribal-state compacts have not been reached.

And the conflict we are challenged with resolving is how to accommodate the desire of these States to be involved in the regulation of Indian gaming and their equally strong desire to avoid any process which might enable the parties to overcome an impasse in their negotiations.

The Secretary of the Interior is to be commended in his efforts to achieve what the Congress has been unable to accomplish in the past few years.

Following the Supreme Court's 11th amendment ruling, the Secretary took a reasonable course of action.

He published a notice of proposed rulemaking, inviting comments on his authority to promulgate regulations for an alternative process to the tribal-state compacting process established in the Indian Gaming Regulatory Act.

Thereafter, he followed the next appropriate steps under the Administrative Procedures Act, inviting the input of all interested parties in the promulgation of regulations.

When the Senate acted to prohibit him from proceeding in this time-honored fashion, he brought together representatives of the National Governors Association, the National Association of Attorneys General, and the Tribal Governments, to explore whether a consensus could be reached on these and other matters.

In fact, a working group of those interests will be meeting this week in Denver to pursue the Secretary's initiative.

In the meantime, my colleagues propose an amendment that would not only prohibit the Secretary from proceeding with the regulatory process, but which would prevent those State and tribal governments that desire to enter into a compact from securing the necessary Federal approval.

By the latter formulation, my colleagues would federally pre-empt what is otherwise the prerogatives of sovereign governments—namely the State

and tribal governments—to pursue that which is their right under Federal law and their right as sovereigns.

Once again, there have been no hearings on this proposal—no public consideration of this formulation—no input from the governments involved and directly affected by this proposal.

Last year, the Secretary of the Department of the Interior made clear his intention to recommend a veto of the Interior appropriations bill should this provision be adopted by the Senate, and approved in House-Senate Conference.

I would suggest that it is unlikely that the Secretary's position has changed in any material respect—particularly in light of all that he has undertaken to accomplish, including frank discussion amongst the State and tribal governments.

As one who initiated a similar discussion process several years ago, I am more than a little familiar with the issues that require resolution.

However, in the intervening years, court rulings have clarified and put to rest many of the issues that were in contention in that earlier process.

I have continued to talk to Governors and attorneys general and tribal government leaders on a weekly if not daily basis, and I believe, as the Secretary does, that the potential is there for the State and tribal governments to come to some mutually-acceptable resolution of the matters that remain outstanding between them.

I believe the Secretary's process should be allowed to proceed.

I also believe that pre-empting that process through an amendment to this bill could well serve as the death knell for what is ultimately the only viable way to accomplish a final resolution.

The alternative is to proceed in this piecemeal fashion each year—an amendment each year to prohibit the Secretary from taking any action that would bridge the gap in the Indian Gaming Regulatory Act that was created by the Court's ruling and which will inevitably discourage the State and tribal governments from fashioning solutions.

This is not the way to do the business of the people.

There are those in this body who are opposed to gaming.

As many of my colleagues know, I count myself in their numbers. I am opposed to gaming.

Hawaii and Utah are the only two States in our union that criminally prohibit all forms of gaming, and I support that prohibition in my State. We don't have bingo or poker.

Mr. President, like many of my colleagues, I have walked many miles in Indian country, and I have seen the poverty, and the desperation and despair in the eyes of many Indian parents and their children.

I have looked into the eyes of the elders—eyes that express great sadness.

I have met young Indian people who are now dead because they saw no hope for the future.

I have seen what gaming has enabled tribal governments to do, for the first time—to build hospitals and clinics, to repair and construct safe schools, to provide jobs for the adults and educational opportunities for the youth—and perhaps most importantly, to engender a real optimism that there can be and will be—the prospects for a brighter future.

It is for these reasons, and because of their rights as sovereigns to pursue activities that hold the potential for making their tribal economies become both viable and stable over the long term, that I support Indian gaming.

If our country—this great Nation—had followed the provisions in our treaties and abided with our promises, then there would be no need for me to be supporting Indian gaming.

Mr. President, it is for these reasons, that I must, again this year, strongly oppose the efforts of my colleagues to take from Indian country, what unfortunately has become the single ray of hope for the future that native people have had for a very long time.

Mr. REID. Mr. President, I rise in support of the Enzi amendment which restricts the Secretary of Interior's ability to move forward with a rule that would supplant a state's ability to decide what types of gaming activities would be permissible on Indian lands.

The proposed rule, announced by the Secretary in January, circumvents Congress' role in deciding the framework for regulating Indian gaming.

Congress is the best body to lay out the process for establishing the balanced framework for tribal state negotiations over Indian gaming.

The proposed rule would upset the necessary balance and invest in the Secretary an exceptional amount of authority in deciding the outcome of these negotiations. Its effect would be the expansion of Indian Gaming notwithstanding the objections of a state.

This Enzi amendment is simple and fair. It simply restricts the Interior Secretary from promulgating as final regulations a rule that would allow him to decide whether a state is negotiating with a tribe in good faith; and which types of gaming activities a state must accept on tribal lands.

There is a long history to this issue and it is something that the Governors feel quite strongly about.

In fact, on July 23, the National Governor's Association wrote Senators LOTT and DASCHLE encouraging the Senate to support passage of the Enzi amendment.

As the letter states:

> The nation's governors strongly believe that no statute or court decision provides the Secretary . . . with authority to intervene in disputes over compacts between Indian tribes and states about casino gambling on Indian lands. Such action would constitute an attempt by the Secretary to preempt states' authority under existing laws and recent court decisions and would create a incentive for tribes to avoid negotiating gambling compacts with states.

What this issue is about is states rights and whether this Congress is going to give the Secretary of Interior—who has fiduciary and trust responsibilities to the tribes—the authority to dictate to states which gaming activities they must accept.

I do not believe we are prepared for the unfettered proliferation of Indian gaming.

The Supreme Court, in the *Seminole* decision, did great harm to what we sought to do when we enacted IGRA.

The courts have made a mess of the compacting process we put in place in 1986.

The result is that we are now faced with the dilemma of (1) who must decide whether or not a state is negotiating in good faith; and (2), what types of gaming activities is a state required to negotiate over.

As the Assistant Secretary for Indian Affairs said in his April 1st testimony before the Indian Affairs Committee: "Any attempts [to decide] this issue administratively is certain to draw court challenges and for that reason, we would prefer legislation.

Secretary Gover is right, a decision of this import should not be left entirely in the hands of a federal official who is statutorily biased against a state.

The Department of Interior is responsible for administering IGRA—not reauthorizing it.

Last year's Interior Appropriation's bill—which the President signed—included a similar provision that prevented the Secretary from approving class III (casino styled) compacts.

The Secretary's decision in January evidenced the Department's intent to disregard the clear congressional intent of last year's bill.

This issue should be resolved legislatively and the Enzi amendment will ensure that solution. It will do so in a manner that is respectful of state's rights.

Mr. COATS. Mr. President, I rise today in support of the Enzi amendment. It is quite simple, but I would like to briefly restate the effect of the amendment in order to frame my remarks. The amendment would prohibit the Secretary of the Interior from promulgating new regulations empowering the Secretary to approve class III gambling activities without State approval.

Mr. President, as a result of the Supreme Court ruling in the Seminole of Florida versus the State of Florida, and subsequent activities by the Secretary of the Interior, we are confronted with a situation where an unelected federal official, using the

rulemaking process, is seeking to empower himself with the ability to supersede the authority of the popularly elected State government, and to impose Indian gambling activity on an unwilling State.

Mr. President, the Indian Gaming Regulatory Act attempted to construct a delicate balance, the intent of which was to provide a definitive role for the States in determining whether to allow the introduction of new gambling activities. The Court's ruling has upset this balance.

During debate over the fiscal year 1998 funding measure, a similar measure to the one we are debating today was adopted. It was adopted with the understanding that congressional action was needed in order to address this concern, as well as others, with IGRA. However, no action has yet been taken. And thus, we have the need to extend this moratorium.

Now, what does all of this mean to the individual States? The distinguished Senator from Wyoming has already placed into the RECORD the various letters of support from the nation's governors, and states attorneys general. I will let that support speak for itself. I would like to relate the experience of the State of Indiana.

I have here an article from the Indianapolis Star. The article documents the latest development in a struggle that has been on-going in Northern Indiana for several years now. The article begins: "Potawatomi tribe buys land near Indiana town; A reservation would be OK, resident says, but many fear a casino would eventually follow."

The article goes on to describe that; "The Pokagon Band of the Potawatomi Indians acquired land in Indiana, the first step toward establishing a reservation and casino in the State." A spokesperson for the tribe points out in this article that they intend to do many important things with the land they have purchased; provide housing, schools, and a health clinic. However, she goes on to point out that a land-based casino in Indiana is among the tribe's eventual goals.

The Pokagons have been attempting for several years now to purchase land in the area. However, they have met with significant resistance from local landowners and community leaders for fear that casinos would follow any land sale. In fact, over the past 2 years, the town counsel of North Liberty, the town adjacent to the land purchase, has unanimously passed two resolutions in opposition to casino gambling. Further, the Governor of Indiana has announced his opposition to Indian gambling amid public outcries against the proposition.

Yet, Mr. President, under the rules proposed by the Secretary, the will of the people of North Liberty, of the elected representatives of the State of Indiana, would be laid to waste by an unelected federal official. By any interpretation of IGRA, this was not the intention of Congress in passing the law.

The gambling industry is booming. In 1988, only two states (Nevada and New Jersey) permitted casino gambling. By 1994, 23 states had legalized gambling. During this time, casino gambling revenue nearly doubled. In 1993, $400 billion was spent on all forms of legal gambling in America Between 1992 and 1994, the gambling industry enjoyed an incredible 15 percent annual growth in revenues.

Many of my colleagues would look at this performance and say "good for them." Many would cite the gambling industry as an American success story. I am not so enthusiastic. There are many unanswered questions regarding the hidden costs of rolling out the welcome mat for the gambling industry. Many of the promises made by the gambling industry—of jobs, economic growth, and increased tax revenues—are dubious at best. The statistics on the devastating impact on our families are beginning to roll in. Concern about teenage gambling addiction is growing as more and more teens are lured by the promise of easy money. Crime and suicide numbers are sky-rocketing in communities where gambling has taken root.

The National Gambling Impact Study Commission is currently studying this issue. By passing this resolution, we will create the necessary time to modify IGRA to ensure the law is clear in protecting the rights of the individual states. It will allow the states to determine how and when gambling operations will begin or expand within their borders, and to look to the report to the Gambling Commission for help in making those decisions.

I commend the efforts of the Senators from Wyoming and Alabama in bringing this issue before the Senate, and urge my colleagues to support this amendment.

I ask unanimous consent that the article from the Indianapolis Star be printed in the RECORD.

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

[From the Indianapolis Star Sept. 2, 1998]

POTAWATOMI TRIBE BUYS LAND NEAR INDIANA TOWN; A RESERVATION WOULD BE OK. RESIDENT SAYS, BUT MANY FEAR A CASINO WOULD EVENTUALLY FOLLOW

(By Don Ward)

NORTH LIBERTY, Ind.—The Pokagon Band of Potawatomi Indians has acquired land in Indiana, the first step toward establishing a reservation and casino in the state.

The 2,600-member tribe, which is based in Michigan, acknowledged this week that it has bought 135 acres along Ind. 4 near North Liberty.

"This is a significant first step, but not necessarily toward getting a casino," Pokagon spokeswoman Maureen Shagonaby said Tuesday.

"Our overall goal is, an always has been, to establish a land base to provide housing, schools and a health clinic for our members. But unfortunately, everyone thinks all we're interested in is a casino." Shagonaby confirmed the tribe also is considering the purchase of 900 acres adjacent to the 135-acre tract.

The site is about 15 miles south of South Bend and Elkhart, where the Pokagon faced fierce opposition as tribal officials scouted for land.

But the tribe also has faced opposition here.

North Liberty, whose downtown extends only about a half-mile and has a population of 1,360, was targeted by the Pokagons as a possible reservation site as early as 1996.

Since then, the Town Council has unanimously passed two resolutions against casinos.

"We're not against the Pokagons coming into the area to live and raise children, but it they want to bring in a casino, I'm not for that type of industry," said beauty salon owner Kelly Prentkowski, 32. "Our town is not about profit and gain."

Shagonaby conceded that a land-based casino in Indiana is among the tribe's eventual goals but said, "There's no time line for it. That's a decision the tribal council will make."

Last year, during the town's bitter debate over casinos, groups gathered signatures on petitions both for and against the gambling facilities. But City Clerk Paul Williams said he couldn't remember which group brought in more signatures. Many names were duplicates, he said.

Many residents thought the issue was dead until this week, when they learned of the tribe's deal to buy the tract, located near a golf course and the Kankakee River just northwest of town.

A casino supporter, Greg Shortt, 33, quickly organized a news conference and invited Pokagon representatives to discuss their plans.

Shortt, who lives in Plymouth but runs a package liquor store on North Liberty's main street, is president of the 2-year-old citizen group "Pro Casino." "North Liberty is already a tourist town because we've got Pokagon State Park, and a casino would be added value for our town," he said.

Casino opponents say they fear increased traffic would negatively affect the rural town and that a casino would do nothing for local businesses.

"We don't need 10,000 people and tour buses driving in and out of town every day," said Marian Spitzke, 51. "They're not going to stop and shop or eat here. They'll just go right to the casino and then leave."

Ted Stepanek, 70, owner of the town barber shop, said, "I'm not against gambling—I just don't want it here."

Mr. BROWNBACK. Mr. President, I rise today to support the Enzi-Sessions amendment which ensures that the Secretary of Interior does not circumvent Congress and the States in gaming on Indian lands. It would also extend the moratorium on expansion of gambling on tribal lands.

The growth of the gambling industry in this country in recent years has been explosive. Twenty years ago, only two States allowed casino gambling. Today, the industry reins in $40 billion each year in 23 States and generates revenues that are six times the revenue from all American spectator sports combined. The amount of money wagered annually in the United States exceeds $500 billion.

It concerns me that this explosive growth in the gambling industry has taken place during the same time period that so many other aspects of our culture have declined. Two years ago, Congress enacted PL–104–169, which established the National Gambling Impact and Policy Commission for the purpose of studying the social and economic impact of gambling and reporting its findings to Congress. I supported that legislation. In fact, not one member in either the House nor the Senate rose in opposition to that legislation. This I believe, illustrates the need Congress has to gather more information on the implications of the extraordinary growth of the gaming industry. Until the findings of the Commission are available to guide the actions of Congress, I simply believe that it is reasonable for Congress to not take any action that may proliferate a problem in our society until the ramifications are better understood.

The problems correlated with gambling are serious. Increased family violence, child abuse, suicide, white collar crime, alcohol abuse, prostitution, drug activities, and organized crime have all been linked to gambling. Furthermore, I am concerned about the destructive societal impact of compulsive gamblers. Compulsive gamblers will bet their entire savings and anything of value that can be sold or borrowed against while neglecting family responsibilities to pursue the short-lived thrill of betting. They are more likely to abuse their spouses and their children, and most have contemplated suicide. Compounding these problems, there is speculation that the gambling industry actually targets these vulnerable individuals as well as another faction of vulnerable individuals—the poor.

And, the economic benefits promised to communities which open their doors to gambling are often exaggerated. On the contrary, some municipalities have found that casinos flourished at the expense of existing businesses, and that the incidences of theft and larceny increased.

In fact, I would like to submit for the RECORD an article which was printed in the Topeka Capitol-Journal on April 28, 1998. The article chronicles the difficulties that two Northeast Kansas counties are facing as a result of two Indian casinos recently established within the counties. This year, the local State Representative appealed to the State legislature to provide a special financial grant to deal with rising law enforcement and social service costs. Since one casino opened, the number of arrests in that county for driving under the influence, possession of drug paraphernalia, and possession of marijuana has increased sharply. The sheriff says there has been an "explosion" in criminal cases of forgery, narcotics abuse, possession of stolen property, and worthless checks. Even more troubling is that when the counties asked the owners of the casinos to help reimburse the counties for the increased law enforcement costs, the tribes refused. This is an example of how the economic development brought about by the tribes has been a drain, not a boon, to the local government and economy.

Yet, while I have qualms about the possible destructive effects of gambling, I recognize that many will maintain that these claims are speculative and dispute that there is a conclusive link between gambling and increased crime. This is why I think we need to receive the Commission's report before allowing any new facilities to be established. The National Gaming Impact Study Commission itself agrees, as does the National Governor's Association and the Christian Coalition.

Mr. President, I do not want my views to be construed as opposition to the chance for economically deprived Indian nations to bring needed economic activity to their communities. On the contrary, I commend the efforts to generate income and become more self-sufficient in view of decreasing Federal aid. I think that it is a positive thing that tribes are striving to provide employment, health care, housing, and other important services without Federal assistance.

However, even the benefits of gaming to the tribes themselves is a question. Typical problems are a direct result of disorganized, fractionalized, and historically poor communities and their lack of experience in managing large sums of money. Unfortunately, the lack of understanding of what the management of gaming facilities entails has spelled disaster for a large number of tribes. Furthermore, signs of increased crime are seen on the tribal lands, too. Economic development that invites destructive behavior is not sustainable and is not a healthy way to provide for social services to a community.

This amendment takes a moderate approach. it does not ban Indian gaming and does not affect gaming compacts which already are operational or already have been approved. It simply places prohibits the Secretary from approving any new Tribal-State compacts. It also prohibits the Secretary from promulgating rules that are designed to circumvent Congress and all 50 States until Congress better understands the societal ramifications of the Federal Government's actions to approve gambling, and I believe this is a reasonable approach to take.

The PRESIDING OFFICER. Who seeks time?

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise to briefly make a few comments in strong support of the amendment. I do so not because it will assist my State of Minnesota, which already has an established gaming compact with Minnesota Indian tribes, but because this is an issue of fundamental fairness for States and localities.

I find it difficult to understand how anybody can argue that the Secretary of the Interior should be given the authority to approve a class III gaming compact, absent the consent of the State in which the gaming is to occur. States must, I believe, have the authority to negotiate and object to gaming compacts. If you remove their right to object to a gaming compact, then you remove their right to negotiate a gaming compact as well.

Similar to what now happens in trust applications, the tribal authority will have little incentive for negotiating in good faith, knowing that the Secretary of the Interior can come in and improve their compact and bypass the State anyway.

Our States and localities are much too often becoming irrelevant in the decisionmaking process of the Department of the Interior when considering tribal-related situations.

The amendment we are addressing here today prevents a Secretary of the Interior from ignoring the impact of gaming operations on States and localities and from circumventing their authority and making unilateral decisions.

Mr. President, States must have the right to negotiate gaming compacts without undue interference from the Federal Government and without the heavy hand of an overactive Secretary of the Interior waiting to usurp that authority.

Again, the Enzi-Sessions amendment has the support of the National Governors' Association, the National Organization of Attorneys General, and the Christian Coalition.

The amendment extends the current moratorium placed on the Secretary of the Interior from using Federal funds to approve tribal-State compacts, again, without the consent of the States. It doesn't only prevent Secretary Babbitt from moving forward on new regulations but in fact gives him authority to bypass State approval.

So I urge my colleagues to stand up for the rights of our States by supporting the Enzi-Sessions amendment.

Thank you very much, Mr. President. I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank everybody involved for all of the great discussion this afternoon.

I feel compelled to answer some of the questions that were raised during the course of the debate.

I would like to particularly thank Senator SESSIONS and all of the other

cosponsors who are on the bill cosponsoring the amendment with me.

I would also like to thank Senator SESSIONS for the comments on behalf of attorneys general, since he is a former attorney general from Alabama.

He gave me copies of letters. One is from my own attorney general, William Hill of Wyoming; another is from Mark Barnett of South Dakota; another is from Bill Pryor of Alabama; another individual letter is from Mr. Gale Norton, attorney general of Colorado; another is from the Honorable Carla Stovall, Topeka, KS; another letter is from Robert Butterworth of the State of Florida; another is from Don Stenberg of the State of Nebraska; another is from Frank Kelley of the State of Michigan.

Mr. President, I ask unanimous consent to have these letters printed in the RECORD.

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

OFFICE OF THE ATTORNEY GENERAL,
Cheyenne, WY, July 28, 1998.

Re Enzi/Sessions Amendment to Interior Appropriations Bill.

Chairman SLADE GORTON,
U.S. Senate,
Washington, DC.

Ranking Member ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

DEAR SENATORS GORTON AND BYRD: This office is writing in support of and urges the adoption of the Indian gaming amendment to the Interior Department Appropriations Bill sponsored by Senator Michael B. Enzi and Senator Jeff Sessions. Last year's Interior Appropriations Bill contained a provision establishing a moratorium on implementation of proposed procedures by the Secretary of the Interior to permit tribal gaming where a state and a tribe reach an impasse in negotiations and no tribal/state compact is entered into. The Enzi/Sessions amendment would extend that moratorium.

This office believes that the Secretary of the Interior lacks statutory authority to use the proposed procedures and must seek amendment of the Indian Gaming Regulatory Act for this authority. To this end, numerous state attorneys general and governors have initiated negotiations with the Secretary and the Indian tribes in an effort to reach agreement on amendments to the Act. Preliminary discussions are currently taking place in preparation for a meeting at which all interests will be represented, probably sometime between now and November, 1998.

Continuation of the moratorium will avert the need for costly and prolonged litigation over the Secretary's authority and will allow for meaningful discussions concerning amendments to the Indian Gaming Regulatory Act which will benefit the Secretary, the tribes and the states.

Thank you for your support of the Enzi/Sessions Amendment.

Sincerely,

WILLIAM U. HILL,
Attorney General.

OFFICE OF ATTORNEY GENERAL,
Pierre, SD, July 23, 1998.

Re Proposed amendment to S. 2237 regarding a moratorium on implementation of gaming procedures.

Hon. ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

Hon. THOMAS A. DASCHLE,
U.S. Senate,
Washington, DC.

Hon. SLADE GORTON,
U.S. Senate,
Washington, DC.

Hon. TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATORS: I am writing this letter in support of the amendment of Senators Enzi and Sessions to S. 2237, the Interior appropriations bill. This amendment would continue a provision included in last year's Interior appropriations act which established a moratorium on implementation of procedures by the Secretary of the Interior to permit tribal gaming when a state and tribe stall in negotiations and the state asserts sovereign immunity in court proceedings.

It is my view that the Secretary plainly lacks statutory authority for the proposed procedures. A detailed letter to the Secretary of the Interior has set out the views of twenty-five attorneys general that the Secretary lacks such authority. I believe, as do the other attorneys general, that the Secretary must seek statutory amendments to the Indian Gaming Regulatory Act to achieve the authority he asserts and I join with the other attorneys general in encouraging the Secretary to engage in a dialogue with the states and the tribes on this matter.

I appreciate your consideration of the moratorium amendment to Senate Bill 2237.

Sincerely yours,

MARK BARNETT,
Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Montgomery, AL, July 23, 1998.

Re Proposed Enzi-Sessions Amendment to Interior Appropriations Bill.

Senator SLADE GORTON,
U.S. Senate,
Washington, DC.

Senator ROBERT C. BYRD,
U.S. Senate,
Washington, DC.

GENTLEMEN: I write to register my strong support for an amendment to the Department of the Interior appropriations bill proposed by your colleagues, Senators Enzi, Sessions, Lugar, Brownback, Ashcroft, and Grams. That amendment would continue the moratorium imposed in last year's bill on the Secretary's implementation of procedures that would empower the Secretary to allow tribal gaming when a tribe and a state stall in negotiations and the state asserts its Eleventh Amendment immunity in court proceedings.

I believe that the Secretary lacks the statutory authority to propose procedures that would have the effects of abrogating the states' Eleventh Amendment immunity and compelling the states to negotiate with Indian tribes regarding the permissible scope of Class III gaming. Several state Attorneys General provided comments to this effect in 1996 when the Secretary published his Advance Notice of Proposed Rulemaking. The Attorneys General repeated their objections to the Secretary's proposed course of action in June 1998 when they submitted comments on Interior's Proposed Regulations. Notwithstanding the presence of a moratorium, the Secretary continues to propose expanding his authority in this area. The amendment that your colleagues have proposed would make clear the limits on the Secretary's authority to abrogate the states' Eleventh Amendment immunity.

Again, I strongly support the proposed amendment. I have no confidence that the Secretary listens when the states tell him that he lacks the power to override their Eleventh Amendment immunity and that he operates under an incurable conflict of interest when he proposes to act as a mediator. The proposed amendment is necessary to stop further action on the Secretary's part. Continuing the moratorium on action by the Secretary will allow negotiations between the attorneys general and the tribes to continue and will preclude a lawsuit by one or more states against the Secretary. Such an expensive and protracted lawsuit is almost certain in the event the Secretary continues on his present course.

Very truly yours,

BILL PRYOR,
Attorney General.

STATE OF COLORADO, DEPARTMENT OF LAW, OFFICE OF THE ATTORNEY GENERAL,
Denver, CO, July 24, 1998.

Hon. MICHAEL B. ENZI,
U.S. Senate,
Washington, DC.

Hon. JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATORS ENZI AND SESSIONS: I write in support of your proposed amendment to S. 2237, the Interior Appropriations legislation.

I believe that the moratorium concerning the Secretary's regulations regarding Indian gaming should remain in place during the coming fiscal year. Continuation of the moratorium will avoid the need for costly and prolonged litigation over the Secretary's administrative authority and encourage a meaningful dialogue about amendments to the IGRA which would benefit the Secretary, the tribes and the states.

Sincerely,

GALE A. NORTON,
Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Topeka, KS, July 24, 1998.

Hon. SLADE GORTON,
Chairman, Interior Subcommittee on Appropriations, U.S. Senate, Washington, DC.

Hon. ROBERT C. BYRD,
Ranking Member, Interior Subcommittee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATORS GORTON AND BYRD: I am writing in support of the Enzi-Sessions proposed amendment to the Interior Appropriations Bill.

On behalf of the State of Kansas, I joined several other Attorneys General in opposing the Department of Interior's proposed regulations establishing an administrative means by which Indian Tribes may bypass the compacting process set forth in the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. §§2701 *et seq.* In the IGRA, Congress has provided that States should have a specific role in that process. I and other Attorneys General believe that the Secretary has no legal authority to rewrite the IGRA as has been proposed in those regulations. Such a task is obviously the province of Congress.

Whiel I am confident that the courts would agree with my position regarding the Secretary/Department's lack of authority to

promulgate these regulations, the Enzi-Sessions amendment would avoid the need to litigate the issue before Congress has the opportunity to consider whether IGRA should be so amended. I therefore support the Enzi-Sessions amendment.

As a matter of background, the State of Kansas has entered into Compacts for Class III, *i.e.*, casino gaming with the four resident Tribes. The existing compacting process in the IGRA worked for us. The State and the Tribes negotiated in good faith, believing that these were the only four Tribes with Indian lands within the State that could be used for Indian gaming purposes.

Since completing our compacting process with the four known Kansas Tribes, the State has been approached by numerous other Tribes interested in gaming revenues; these Tribes assert various "claims" to land in the State, thus evidencing a very real need to ensure that the compacting process remains neutral so the State is not arbitrarily forced by the Secretary acting as a sponsor to Indian Tribes into additional gaming that was never envisioned by the IGRA.

Moreover, the Secretary's proposed regulations not only adversely affect the interest of States, but also pit Indian Tribes against each other. For example, the four resident Tribes in Kansas have a strong interest in ensuring that they recover on their significant investment in developing gaming within the State, an interest which is adversely affected by the gaming ambitions of new, non-resident Tribes.

I am willing to meet with the Department, Tribal, and State representatives to seek agreement on amendments to the IGRA that will address the concerns of Tribes with regard to the compacting process, but I am opposed to any unilateral effort on the part of the Department to usurp the authority of Congress as the proposed regulations have done.

Thank you for your favorable consideration of this amendment.

Very truly yours,

CARLA J. STOVALL,
Attorney General of Kansas.

OFFICE OF ATTORNEY GENERAL,
State of Florida, July 24, 1998.

Re amendment to Interior appropriations bill sponsored by Sens. Enzi, Sessions, Lugar, Brownback, and Grams.

Hon. SLADE GORTON,
U.S. Senator,
Washington, D.C.

Hon. ROBERT C. BYRD,
U.S. Senator,
Washington, D.C.

DEAR SENATORS GORTON AND BYRD: I am writing this letter to voice my support for the Interior Appropriations amendment sponsored by Senators Enzi, Sessions, Lugar, Brownback, and Grams. The purpose of this amendment is to prohibit specifically the final adoption of rules by the Department of the Interior regarding Indian gambling.

These proposed rules are an outgrowth of the *Seminole Tribe* decision of the Supreme Court and represents an attempt to legislate a remedy for Indian Tribes in the absence of statutory authority. My views, and those of twenty four other Attorneys General, are set forth in detail in our letter of June 19 to Secretary Babbitt commenting on the proposed regulations. In short, we feel that there is no statutory authority for the Department to adopt such rules and that the rules are fundamentally flawed because, in those rules, the Secretary arrogates to himself the authority to determine whether the State has negotiated in good faith and what the proper scope of gambling on Indian reservations should be based on *his* interpretation of State law.

In conclusion, I wholly support the efforts of the sponsors of the subject amendment. We are currently attempting to negotiate a consensus amendment to the Indian Gaming Regulatory Act that will obviate the perceived need for such regulations and I believe that the proposed Appropriations amendment will help those negotiations along by lessening by the pressure on the parties and avoiding litigation over the validity of the regulations.

Thank you for your attention to this matter.

Sincerely,

ROBERT A. BUTTERWORTH,
Attorney General.

OFFICE OF THE ATTORNEY GENERAL,
Lincoln, NE, July 24, 1998.

U.S. Senator MICHAEL ENZI,
U.S. Senator JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATORS ENZI AND SESSIONS: I write in support of your proposed amendments to S. 2237, the interior appropriations legislation. The Secretary of the Interior should not be allowed to authorize types of gambling on Indian reservations when that gambling would be illegal if conducted anywhere else within the state.

It is my opinion that the Secretary of the Interior lacks any statutory authority to permit tribal gaming where a state and a tribe stall in negotiations and the state asserts sovereign immunity in court proceedings. Your proposed legislation will support this position.

Yours truly,

DON STENBERG,
Attorney General.

STATE OF MICHIGAN,
DEPARTMENT OF ATTORNEY GENERAL,
Lansing, MI, July 31, 1998.

Hon. MIKE ENZI,
U.S. Senator,
Washington, DC.

DEAR SENATOR ENZI: Currently there are tribal-state compacts between the State of Michigan and seven Indian tribes, each of which received federal recognition prior to the effective date of IGRA. Since conclusion of these seven compacts, federal recognition has been extended to four additional Indian tribes. Litigation initiated in federal court against the State of Michigan under IGRA by one of these newly recognized tribes was successfully defended on Eleventh Amendment grounds resulting in entry of an August 23, 1996 order of dismissal in *Little River Band of Ottawa Indians, et al* v. *State of Michigan*, U.S. District Court, Western District, No. 5:96-CV-119.

Without question, the 1996 decision in *Seminole Tribe of Florida* v. *State of Florida*, 517 US 44; 134 L Ed 2d 252; 116 S Ct 1114 (1996), has precipitated a need for thorough review of federal policy regarding tribal gaming operation. However, pending completion of that task, I share the position held by most state Attorneys General that the Secretary of Interior lacks authority to unilaterally promulgate rules for the operation of activities defined as class III gaming under IGRA. As the state official with the responsibility under Michigan law to defend all lawsuits against the state, it is my firm conviction that a decision to advance a valid defense should not be influenced by a threat that a particular defense will precipitate an unauthorized response by a federal agency.

In light of the foregoing, I wish to voice my support for your effort to adopt a narrowly focused amendment to the Department of Interior appropriations legislation which will preclude steps to authorize class III gaming without specific authorization by an impacted state.

Very truly yours,

FRANK J. KELLEY,
Attorney General.

Mr. ENZI. Mr. President, I also thank the other Senators who have addressed this along with me, and I want to make some comments on the things that were said.

I would particularly like to thank the Senator from New Mexico for his comments. More particularly, I would like to thank him for all the education he gave me a year ago when we debated this amendment. That was one of the first amendments that I worked on, and I have to say it needed a lot of work. With his cooperation, and with the Senator from Hawaii, we came up with an amendment that protected the status quo. It was an amendment that we thought would keep things from moving forward and supplanting the States' ability to negotiate it. I found out later that there are even some more careful wordings that have to be done on bills that we work on around here. Had I done it more particularly about finalizing the rule itself, perhaps we would have avoided the need to bring it up again. I didn't. So we need to talk about it some more.

I mentioned that what we are really trying to do with this amendment is to preclude the finalization of rules and regulations that would supplant the States. I will be one of the first to admit that at the present time the States have the bigger stick. Until the rules get approved and the bigger stick switches hands, and the tribes have the bigger stick and the control of that stick forever—if we leave the stick in the hands of the States, there is an easy way to change that in the interim and to make the kinds of exemptions that the Senator from New Mexico talked about. The way to do that is to have hearings by the Indian Affairs Committee—hearings that are balanced, hearings that take into account how difficult it is to properly negotiate between the States and the tribes.

We can come up with a compromise piece of legislation. That piece of legislation would eliminate this amendment on an appropriations bill and this amendment in any future years. But we have to have that discussion. We have to see what the arguments are between the States and the tribes and get those resolved. I know there is common ground. We have hit around the edges of it today. But there have been statements on both sides that take it a little bit further each way than probably it ought to be. But I can tell you that

we are not going to get it resolved and we will just give the whole stick to the tribes unless we put this amendment on the bill.

I thank the Senator from Hawaii for the care and concern with which he has spoken in every instance that we have debated this issue. This is the third time. I appreciate today particularly the 20 years of experience that he has on this and the tremendous knowledge that he has about the history of the tribes in the United States.

I grew up in Sheridan, WY, 60 miles from the Crow Reservation, which is in Montana. But I have had the opportunity to work with them and the tribes in Wyoming before. This is not an attempt to take away from the Indian tribes. This is an attempt to get that fair playing field through hearings, through legislation—not through something by an unelected Secretary of the Federal Government to put it in the hands of Congress. We are the ones who ought to be making these kinds of decisions. If there are decisions left undone, we ought to go back and redo them so that they take care of all the problems. We need to have all of the interested parties. We need to have hearings on it.

The comment was raised that on my amendment there haven't been hearings. I kind of have to contest that a little bit, because this is the third time we have debated it, which is a form of hearing among the Members. It is not my fault that there have been no hearings on this. The Indian Affairs Committee has not held hearings on this in spite of the requests last year, in spite of that being the primary way that we can bring everybody together to focus on the issue and to come up with a solution that will work for everybody.

I don't think this is a death knell for the talks between people. Instead, it is the beginning of a process that can work with the Indian Affairs Committee to see that we have some hearings, reach a solution, and bring it to conclusion. It is in the hands of the Indian Affairs Committee. But there is only a need for them to meet on it, if we pass my amendment.

I ask that you pass the amendment. I will briefly summarize some of the points.

It maintains the status quo of the Indian Gaming Regulatory Act for one more year. It preserves the right of Congress to pass laws. It continues the incentive for tribes and States to pursue legislative changes to IGRA. It gives the Indian Affairs Committee time to hold the hearing and recommend the IGRA changes. It prevents Secretary Babbitt from bypassing Congress. It protects States rights without harming the Indian tribes. And it honors the advice of the National Gambling Impact Study Commission so that they can finish their work, as they requested.

Mr. President, I thank the Chair. I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I know of no one else desiring to speak on this Enzi proposal. It seems to me that it is a relatively simple one. It simply enjoins for one additional year the right of the Secretary of the Interior to avoid the requirements of both the 11th amendment and of present law by making it a determination that a State has not engaged in good faith in negotiating a class III gambling compact and that it has stated its sovereign immunity in an action by an Indian tribe or another kind against it.

In light of the fact that the report of a long-term commission on the effect of gambling in the United States has not yet been made, it seems to me that this is a reasonable amendment. I know of no request for a rollcall vote on the amendment.

Mr. President, I believe we are ready to vote on the ENZI amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3592) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. GORTON. Mr. President, the Senator from Missouri, Mr. ASHCROFT, is here and will be ready in just a few moments to present an amendment respecting the National Endowment for the Arts. We will debate that until debate is completed. I rather suspect that amendment will require a rollcall vote. But this is to notify Members who are interested in the National Endowment for the Arts that this will be their opportunity to speak on that subject. It was the subject of some controversy and a number of speeches last year, and I suspect there may very well be Members on both sides who would like to make their views on the subject known, and they are invited to come to the floor.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. GORTON. Mr. President, I understand now that Members on both sides have agreed to a 1-hour—I will withhold that request at this point.

Is the Senator ready?

Mr. ASHCROFT. I am prepared to go ahead.

Mr. GORTON. Then, Mr. President, I will yield the floor and I will ask the Senator's indulgence, if we have cleared a time agreement, to get that time agreement. We would like to have a vote on the amendment before the lecture by Senator BYRD at 6 o'clock this evening.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 3593

(Purpose: To eliminate funding for the National Endowment for the Arts and to transfer available funds for the operation of the National Park System)

Mr. ASHCROFT. Mr. President, I thank the Chair.

I come for the second straight year to offer an amendment to the Interior appropriations bill, and I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Missouri [Mr. ASHCROFT] proposes an amendment numbered 3593.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Beginning on page 109, strike line 21 and all that follows through line 18 on page 110 and insert the following:

"Notwithstanding any other provision of this Act, the amount available under the heading 'National Park Service, Operation of the National Park Service' under title I shall be $1,325,903,000.".

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I come to the floor for the second straight year to offer an amendment to the Interior appropriations bill. This amendment, while dealing with a relatively small amount of money—and I wince a little bit when I call the amount of money small, but in comparison to the multibillion-dollar funding bill it does address a small percentage of that bill—addresses a profound and fundamental issue that is before this body. Should the Federal Government be in the business of judging and funding art? Should the Federal Government be telling the rest of the country this is good art, or this is not good enough for the Federal Government, signaling to the rest of the country this art is superior or this art is worthy of your support while other art is not?

While my efforts last year to eliminate funding for the National Endowment for the Arts were unsuccessful, I am compelled to continue to raise this issue, hoping to persuade my colleagues that the Federal Government should resign from its role as a national art critic. It seems to me that to have the Federal Government as an art critic which determines what type or

types of art are superior to other types of art is not something that a free nation would want to encourage. Government should not be in the business of subsidizing free speech or putting its so-called "Good Housekeeping Seal of Approval" on certain pieces of so-called art. My amendment simply eliminates the $100 million appropriated by the bill to the National Endowment for the Arts, and it takes the available funds and puts them toward the renovation and preservation of our national park system.

Since the last time we debated this issue, two relevant events have occurred regarding the National Endowment for the Arts. First, news about the play, and I quote the title here, "Corpus Christi," which the NEA had agreed to fund, has become available; and, secondly, the Supreme Court of the United States has rendered a decision in the case of National Endowment for the Arts v. Finley.

I would like to discuss each of these developments as well as other arguments and show how they support elimination of funding for the National Endowment for the Arts.

The play "Corpus Christi" is merely the latest example of why we should defund the National Endowment for the Arts.

In the last few months, we have heard a great deal about the play planned to be staged by the Manhattan Theatre Club in New York City. This play, entitled "Corpus Christi," has generated a lot of controversy because of its content and because the National Endowment for the Arts approved a $31,000 grant to the theater to fund production of this play.

Let me give a brief chronology of the involvement of the National Endowment for the Arts with "Corpus Christi." The Manhattan Theatre Club first applied to the National Endowment for the Arts in October of 1995 to request funding for "Corpus Christi." The theater's summary of the project activity stated as follows:

> MTC is requesting support from the National Endowment for the Arts for the world premiere of Terrence McNally's new play, CORPUS CHRISTI. The production is scheduled for fall, 1996 on Stage 1.

I continue to quote:

> Mr. McNally will develop the rehearsal draft of the script in house at Manhattan Theatre Club during the next year. CORPUS CHRISTI is a play for 13 actors. Requested and matching funds will be spent on development, preproduction, rehearsal and the subscription run of the play at the Manhattan Theatre Club.

That was the summation of the project activity included in the request for funding as submitted by the Manhattan Theatre Club. The NEA application asked the applicant to "give a detailed description of the proposed project," including, among other things, "the degree of development of the project." The Manhattan Theatre Club supplied the NEA with the following description:

> Spirituality has been one of the major themes in Terrence McNally's most recent plays at MTC. His next play, Corpus Christi, will be an examination of good and evil. He will use certain miracles in the life of Christ as the inspiration for the story, which will have a contemporary setting.
>
> * * * * *
>
> Corpus Christi is an extremely ambitious new work for Mr. McNally. MTC is proud to serve as the artistic home for this eminent American playwright. Our relationship with him is one of the most important and far-reaching models in our commitment to writers. We are confident that this project will break new ground for Mr. McNally as an artist, and that it will continue our tradition of providing innovative, important new plays to audiences in our community and beyond.

That was from the Manhattan Theatre Club grant application of October 2, 1995.

The NEA approved the grant to fund Corpus Christi. On June 14, 1996, the NEA informed the Manhattan Theatre Club that it had been awarded a $31,000 grant "to support expenses for the development and world premiere of the new play, 'Corpus Christi,' by Terrence McNally, as outlined in your application cited above and the enclosed project budget."

On December 17, 1996, however, the Manhattan Theatre Club wrote the NEA requesting a scope change amendment to its grant so that it could receive Endowment funding for the New York premiere of Donald Margulies' "Collected Stories," instead of for "Corpus Christi." The Theatre Club gave this sparse description of the new project:

> "Collected Stories" follows the relationship between an esteemed writer, Ruth Steiner, and her promising student, Lisa Morrison. As Lisa gradually transforms from protege to peer, so does her relationship with Ruth. MTC has produced [Margulies'] 'The Loman Family Picnic,' the Obie winning 'Sight Unseen' and 'What's Wrong With This Picture.' This continues a very important artistic relationship between [Margulies] and MTC.

The National Endowment approved the scope change request. It switched the funding from Corpus Christi to the Collected Stories application. Based on that single paragraph, the NEA approved the scope change requested in January, 1997.

It was after that time that we began to understand something about Corpus Christi. We had heard very little about either the Manhattan Theatre Club or Corpus Christi until the last few months. Recently we have begun to see the truth about Corpus Christi and the reason for switching from one pocket to the other the grant application. We have learned more about the play for which the National Endowment for the Arts awarded a grant—but did not fund—because the Manhattan Theatre Club, not the NEA, requested a scope change in its grant.

On May 29 of this year, the New York Times reported that it had obtained a draft of the script for Corpus Christi, and stated that this draft, quoting from the New York Times:

> * * * suggests that rather than having specific phrases or scenes likely to cause controversy, it is the overall tenor, focus and point of the work that could be most at issue."

While the Manhattan Theatre Club had described the play in its fall schedule as telling the story of "a young gay man named Joshua on his spiritual journey" and providing Mr. McNally's own unique view of the "greatest story ever told," the New York Times columnist found a very different kind of story.

From beginning to end, says the columnist, the script:

> * * * retells the Biblical story of a Jesus-like figure from his birth in a Texas flea-bag hotel * * * to his crucifixion as "king of the queers" in a manner with the potential to offend many people. Joshua has a long-running affair with Judas and sexual relations with the other apostles. The draft ends with the frank admission: "If we have offended, so be it. He belongs to us as well as you."

A writer for a London newspaper, The Guardian, gave even more descriptive details of the play Corpus Christi, which initially had been funded directly by the National Endowment and then, at the suggestion of the Manhattan Theatre Club, had its NEA funding switched to another project of the theater to avoid the direct funding of Corpus Christi. Most of the details given in The Guardian cannot be discussed on the Senate floor. However, the columnist concludes that, "the play's wit rests on its deliberately offensive, knowing re-interpretation of the scripture."

Once the truth about Corpus Christi became public, the NEA quickly disavowed any involvement with the play. On June 10, the NEA sent a letter to Members of Congress stating emphatically that "the NEA is not in any way supporting development or production of Corpus Christi." Yet it can't be denied that the NEA approved funding for the play, regardless of the vague description given it at the time of the grant request.

The NEA fully intended to use taxpayers' money to subsidize Corpus Christi. As a matter of fact, I believe that with the switching of the grant from the one pocket to the other of the Manhattan Theatre Club, the subsidy has the same impact. It was only at the later request of the Manhattan Theatre Club, not the NEA, that the money was diverted from Corpus Christi to the alternate project.

I am glad that no Federal funding directly went to pay for Corpus Christi. But it is because the Manhattan Theatre Club, not the NEA, made the change or sought the change. And nevertheless, when you have a composite of activities of an organization like

Manhattan Theatre Club, some of which are subsidized locally or paid for locally, others of which are subsidized federally, the capacity to maintain that particular play as part of the offering of the club is assisted and simply made possible by the continuing support of the National Endowment for the Arts. Despite all the past controversy, despite all the improvements to the NEA statutes, there is still something fundamentally wrong with public funding of the arts.

This matter involving the NEA, the Manhattan Theatre Club, and Corpus Christi, demonstrates a number of problems we have when the Federal Government tries to fund art.

First, the NEA does not exercise proper oversight in awarding grants. It seems incredible that the NEA would approve such a significant change in a grant request—from one project to a completely different one—based on a single paragraph description in a letter from the grantee. Is this an appropriate exercise of oversight?

This action demonstrates how little the NEA knows about the projects it funds. It is supposed to judge based upon "artistic excellence"—but how, based upon the Manhattan Theatre Club's first description of Corpus Christi—or based upon the sparse description of "Collected Stories"—can any person or review panel make an informed decision regarding artistic excellence?

Second, the NEA's ease in allowing the Manhattan Theatre Club's scope change demonstrates that the agency chose to fund the project based upon the Theatre's reputation, rather than upon the merits of a particular project. Such an action seems to be allowing de facto "seasonal support," which even the NEA admits is forbidden by law.

Seasonal support was the concept of saying we would just simply, as the Government, give a particular organization, an art organization, an amount of money in which to conduct a season's activities. It would not be with reference to specific activities of the organization. "We are going to fund their 1998 season, or their 1996 season, or subsidize the season."

The Congress, because it wanted more supervision on the part of the NEA—it wanted assessments of the quality and nature of those items being subsidized—outlawed or otherwise made improper, season support. It is forbidden in the law. Yet, when the NEA allows organizations simply to switch grants back and forth, it obviously provides a basis for the same kind of problems to arise as would arise when you just simply turned over the money to the organization to support a season, without regard to the specific matters being subsidized.

This situation also demonstrates the underlying problem with government funding of art. Government is not in a good position to determine what is art. When government funds art, it is put in a Catch-22 situation.

Many Americans, including myself, feel strongly that the Government has no business funding any theater that is going to openly and proudly denigrate the religious faith of a large segment of Americans.

However, if one takes this view, he will be accused of censoring or making unconstitutional value judgments. My view is that the subsidization of art is wrong in the first place, but certainly not to provide funding is not to censor, but that is the kind of charge that is made.

On the other hand, if you can't make value judgments based on the content of art, you will end up funding offensive and indecent materials.

When the Government funds art, it will always have to make value judgments on what is art and what is not, which is not an appropriate function of Government. The only way to solve this problem is to get the Government out of the business of funding art.

For those who say this is an issue of free speech, I ask you, How free is speech when the Government pays? Not very.

The events surrounding the National Endowment for the Arts' funding of the Manhattan Theatre Club in Corpus Christi underscore the need for the Federal Government to get out of the business of funding art, which is a form of speech. Speech is not free if the Government funds it. If the Government says that some speech is better than other speech and prefers it by providing a subsidy, the Government is impairing the right of every citizen to speak and to express himself freely.

Let me now turn to the second significant event that occurred since the last time we debated this issue on an appropriations measure, and that is the Supreme Court's recent decision in National Endowment for the Arts v. Finley.

In National Endowment for the Arts v. Finley, the Supreme Court upheld the Federal statute directing the NEA to take into consideration "general standards of decency and respect for the diverse beliefs and values of the American public" in making grants.

In the case of the National Endowment for the Arts v. Finley, I repeat, the Supreme Court upheld the will of the Congress expressed in the statute, signed by the President, directing the National Endowment for the Arts to take into consideration "general standards of decency and respect for the diverse beliefs and values of the American public" in making grants.

While some have said this ruling will appropriately address concerns over the offensive attacks on religious groups and otherwise offensive material that has been funded by the NEA, this is simply not the case.

In its opinion, the Supreme Court noted that the NEA has implemented the law "merely by ensuring the representation of various backgrounds and points of view on the advisory panels that analyze grant applications."

It is interesting to note that the Supreme Court upheld the Federal statute directing the NEA to take into consideration certain standards, and to see how the NEA had attempted to comply with the statute: by appointing individuals who might or might not represent those standards—"merely by ensuring the representation of various backgrounds and points of view on the advisory panels. . . ." That was the response of the NEA.

The Court also said that the decency and respect provision does not preclude awards to projects that might be indecent or disrespectful. And, in fact, the Court cautioned against any future use of the decency and respect standard to discriminate on the basis of viewpoint.

Moreover, in response to the Finley decision, Chairman Ivey said that the ruling was a "reaffirmation of the agency's discretion in funding the highest quality art in America" and that it would not affect his agency's day-to-day operations.

What you have is the Supreme Court affirming the Congress' effort to shape the decisions of the NEA for subsidizing art and to move those decisions away from the affronts to the religious traditions of Americans. But then you have the chairman of the NEA saying that the ruling of the Court was a "reaffirmation of the agency's discretion in funding the highest quality art in America" and that it would not affect his agency's day-to-day operations.

Obviously, if the Congress' effort to provide a guideline for decency does nothing to affect the agency's day-to-day operations, we are going to have problems similar to the problems that came up surrounding the Corpus Christi funding.

Hence, the Finley case does nothing to solve the underlying problem confronting us and, in fact, demonstrates that Government simply should not be in a position to determine what is art and what is not.

There are a number of other reasons why we should stop funding the NEA. I question whether it is a proper role of the Federal Government to subsidize free speech as we do through the NEA. Government subsidies, even with the best of intentions, are dangerous because they skew the market toward whatever the Government grantmakers prefer. The National Endowment for the Arts grants place the stamp of U.S. Government approval on funded art. This gives the endowment enormous power to dictate what is regarded as art and what is not.

A number of art critics and even artists themselves have observed this. Jan

Breslauer, Los Angeles Times art critic, puts it this way. She says that the NEA's subsidization of certain viewpoints poses great problems—and I quote Jan Breslauer:

[T]he endowment has quietly pursued policies rooted in identity politics—a kind of separatism that emphasizes racial, sexual and cultural differences above all else. The art world's version of affirmative action, these policies . . . have had a profoundly corrosive effect on the American arts—pigeonholing artists and pressuring them to produce work that satisfies a politically correct agenda rather than their best creative instincts.

Jan Breslauer is basically saying that a subsidy which encourages art that the market would not otherwise respect or encourage corrupts the arts and entices people into producing a kind of art that they would not otherwise pursue for its artistically rewarding aspects. Rather, such a subsidy pressures them to produce work that satisfies a politically correct agenda.

In my judgment, this is not only an inappropriate disposition of taxpayers' dollars. When we find out that the Government purchase of art corrupts the arts by pressuring artists to work in politically correct areas instead of in areas that best reflect their creative instincts, we have gone beyond damage to the taxpayer: we have begun to damage the artistic community itself.

Joseph Parisi, editor of Poetry magazine, the Nation's oldest and most prestigious poetry magazine, I might add, said that disconnecting "artificial support systems" for the arts, such as cuts in NEA funding, has had some positive effects.

Parisi has said that cuts in Federal spending for the arts are causing "a shake-out of the superficial." What he is basically saying is when we cut subsidies for the arts, we knock out superficial art that is not of value.

He goes on to say:

The market demands a wider range, an appeal to a broader base. Arts and writers are forced to get back to markets. What will people buy? If you are tenured, if the Government buys, there is no response to irrelevance.

Here is an artist who simply says, in effect, that a subsidy to the arts not only wastes taxpayers' money but it corrupts the artists themselves.

In short, the Government should not pick and choose among different points of view and value systems and continue politicizing the arts. Garth Brooks fans pay their own way, while the NEA canvases the Nation for politically correct art that needs a transfusion from the Treasury. It is bad public policy to subsidize free expression.

I would also like to point out that Congress has no constitutional authority to create or fund the NEA. It is true that funding for the NEA is relatively small, although it is hard to say that $100 million is small. It is small in comparison to the overall budget. Regardless of the amount of money involved here, elimination of this agency would send the right message that Congress is taking seriously its obligation to restrict the Federal Government's actions to the limited role envisioned by the framers of the Constitution. Nowhere does the Constitution grant any authority that could reasonably be construed to include the promotion of the arts.

During the Constitutional Convention in Philadelphia, as a matter of fact, in 1787, Delegate Charles Pinckney introduced a motion calling for the Federal Government to subsidize the arts in the United States. Although the Founding Fathers were cultured individuals who knew firsthand of various European systems for public arts patronage, they overwhelmingly rejected Pinckney's suggestion because of their belief in limited constitutional government.

Accordingly, nowhere in its list of powers enumerated and delegated to the Federal Government does the Constitution specify a power to subsidize the arts. And that was in the face of a specific proposal to do so at the convention, but was overwhelmingly rejected.

There are a number of other reasons why we should eliminate funding for the National Endowment for the Arts, but time does not allow me to enumerate them. Suffice it to say, it is time to end the Federal Government's role of paying for and thereby politicizing art.

Former New York Times art critic Hilton Kramer observed this phenomenon back in the early 1980s and spoke almost prophetically about how NEA funding could in fact harm the arts. He put it this way:

The imperatives now governing much of the commentary devoted to art tend not to have anything to do with the real artistic issues, much less with the problem of artistic quality. They tend to be political. This, too, was probably inevitable given the role that [our] government now plays in our cultural life.

I continue quoting:

So quickly has this role acquired the status of something external and irreversible that there now exists an entire generation of artists, critics, curators and bureaucrats who have come of age believing that the life of art is inconceivable without it. One sometimes wonders what they think the life of art in this country was like before 1965. It may come as news to them to learn that American art did not begin with the formation of the National Endowment for the Arts, and that there were great art museums flourishing in this country long before there were agencies in Washington monitoring, directing and subsidizing their activities. Of all the changes that have occurred on the American art scene since 1965, this one may well prove to be the most fateful of all, for it already shows signs of making the politicization of art, and of our thinking about art, a permanent feature of our cultural life. And this, I think, is not good news for the future of American art—or indeed, for the future of American society.

Thoughtful individuals understand the pollution that politics and government bring when they seek to subsidize art and favor some art over other art. We need to heed Mr. Kramer's warning and get the Federal Government out of the business of being a national art critic.

My amendment would do this by eliminating funding for the National Endowment for the Arts and by putting available funds toward a more legitimate cause—preserving and maintaining our national parks. Our national park system, comprising 376 units and about 83 million acres, is America's most educational playground, teaching more than 270 million visitors per year about our Nation's history, about our culture, about our traditions, and our natural landscapes.

Our national parks are often the choice for family vacations, school field trips, researchers, and foreign tourists. They represent an appropriate devotion of the resource which would otherwise go to subsidize art in a way which is counterproductive to the quality of art in our culture and many times is an affront to the understanding, beliefs, and closely cherished religious traditions of the American people.

I urge my colleagues to join me in passing this important amendment, this amendment which would zero out funding for the National Endowment for the Arts and make the remaining available funds available to the national park system for renovation and restoration and maintenance of the parks.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

Mr. GORTON. Mr. President, by reason of the Byrd lecture this evening, I now ask unanimous consent that the time between now and 5:30 p.m. be divided, with 17 minutes for the opponents of the amendment and 8 minutes for the proponents of the amendment, and that at 5:30 the manager of the bill or his designee be recognized to offer a motion to table, and that no second-degree amendments be in order prior to the tabling vote.

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

Mr. GORTON. Mr. President, I note the presence of the Senator from Massachusetts. I am going to use very little of this time and will allow him to speak on it.

Mr. President, the eloquent and thoughtful Senator from Missouri has raised two specific criticisms of the continuation of funding for the National Endowment for the Arts. One relates to a notorious anti-Christian play called "Corpus Christi" about to be produced in New York City, the sponsor of which originally received the

tentative NEA award on the basis of an application described by the Senator from Missouri.

Personally, I think the NEA should probably have turned down that application at the time at which it was granted on the ground that it sounded as though the play was on no subject other than a very standard and Orthodox Christian theme which is perhaps inappropriate for funding by government.

In any event, the National Endowment for the Arts has not funded the production of that play, might well have decided that it did not wish to subsidize anything else that the theater was doing, but certainly has not breached any of the requirements which Congress has laid down for the National Endowment for the Arts itself. Had it gone ahead knowing what the play was about, we might be having quite a much longer debate here today and one in which the future of the National Endowment for the Arts might be very seriously under threat, including, from among others, this Senator.

Secondly, the Senator from Missouri quite accurately describes the decision of the Supreme Court on the decency standards included in former and current versions of the funding for the National Endowment for the Arts. I say, joining myself with the Senator from Missouri as a former State attorney general, that I was somewhat disappointed in that Supreme Court decision which largely ducked the fundamental issues that were involved in the limitations Congress has placed on the way in which the National Endowment for the Arts can make its grants.

The Supreme Court at least nominally upheld those decency provisions but raised some very serious questions about their future applicability under future challenges. The bottom line was, however, that the National Endowment for the Arts, that had refused to fund certain activities by Ms. Finley, among others, was upheld in that refusal.

As long as the courts continue to uphold the National Endowment when it engages in that kind of rejection, I think we will be in good shape. If at some time in the future the Supreme Court should say that this Congress does not have the ability to provide limitations on the use of this money to enforce commonly held decency standards in the United States, we will be debating a different issue. But at the present time we are debating the issue of the continuation of the National Endowment for the Arts under the rules under which it has operated for the last couple of years, during which it has not funded grants that outraged a significant majority or even a very large minority of the American people.

The great bulk of the grants—or rather most of the money that the National Endowment for the Arts uses—goes to State art agencies. Most of the rest goes to institutional kinds of activities—symphony orchestras, art museums and the like. The restrictions on the NEA funding of individual projects are very, very significant and have prevented the kind of controversies that took place 5 or 6 years ago.

In other words, Mr. President, it is my view that the reforms that have been imposed on the National Endowment for the Arts by the Congress of the United States have, in fact, worked, and the grants made by the National Endowment for the Arts help the arts scene all across the country, which are far more decentralized than they were before, in far more underserved areas, in far more deserving entities in small towns and small cities around the United States.

On balance, it seems to me highly appropriate to continue the modest support that Congress gives for the NEA imprimatur. And almost all of our constituents involved in the arts tell us that even a tiny grant from the National Endowment provides for the arts and entities that get the great bulk of their money from charitable contributions, from generous-minded people in their own communities. I attended an opening of a new concert hall in Seattle on Sunday in which perhaps $100 million or more was spent for the Seattle Symphony Orchestra, an occasional minor recipient of grants from the NEA. That fund drive was greatly strengthened by the kind of support that the NEA gives. It is almost solely financed by State government, county government, local government contributions, and even larger contributions from the private sector itself.

The NEA, for better or worse, is a catalyst for arts support, private and public, all across the United States, and the endowment should be continued.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. How much time remains of the Senator from Washington?

The PRESIDING OFFICER. There are 10 minutes 29 seconds remaining.

Mr. GORTON. Is the Senator not an opponent of the amendment?

Mr. COATS. Of the proponents' side of the issue, how much time remains?

The PRESIDING OFFICER. Senator ASHCROFT has 8 minutes remaining.

Mr. ASHCROFT. I yield such time as the Senator from Indiana may consume.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I rise today in support of Senator ASHCROFT's amendment. I have thought long and hard about this issue. We have debated it a number of times in committee and on the floor. I have come to the conclusion that the Senator's amendment is a correct amendment. It is correct because in so many ways this agency, the National Endowment for the Arts, has shown itself as not responsive to the Congress and not responsive to the American people. This is, in many ways, a difficult position for me to take because I have long been a supporter of the central mission of the NEA. A number of beneficial grants have been given to institutions in Indiana, and projects have been promoted that I do believe serve a public interest.

I don't dispute the fact that knowledge and beauty are among some of the highest calls of any culture. But sadly, that has not been the debate of the last few years. We are not discussing the role of the arts in our society. There will always be a prominent role for art and culture in our society. What we are discussing here is the role of public subsidy of that art, and the question of whether or not we should appropriate tax dollars from our constituents to fund these types of projects, particularly when it seems that year after year that funding raises questions and controversy.

Whenever we seem to revisit this matter, we return to one central question: Do we in Congress have the right to take money from citizens and allow it to be used in ways that, for many, go against some of their most deeply held religious and moral beliefs?

Over the last several years, several Members have been trying to ensure that Federal dollars are not used in ways that offend a majority of Americans. The Senator from North Carolina has tried to stop support for the most offensive projects by restricting the ability of the National Endowment for the Arts to fund projects which defile or offend people's religious beliefs, and projects which depict the body in degrading and offensive ways. This effort to limit objectionable projects by holding all grants to a decency standard was a fiscally and, I believe, morally responsible position, one that was supported, happily, by a majority of the Senate. I was pleased to see that the decency standard was upheld by the Supreme Court this past June by a very substantial vote of 8–1.

Mr. President, the Senate should not have a role as art critic, and certainly not a role as censor. But it does have, as its primary and defining purpose, the role of determining if public funds are spent in the public interest.

I started out these comments by expressing my support for the central mission of the promotion of the arts and my appreciation for the grants that have been made to different projects in Indiana—worthy grants. However, in spite of this, I remain convinced that, during the last three decades in particular, the National Endowment for the Arts has failed in its mission to enhance cultural life in the United States. It has brought controversy to the whole area. Despite numerous attempts to reform it, the NEA

attempts to support what I think are often politically correct but patently offensive projects. I don't think we can ignore this.

I think the central question is whether or not this is the best use of the taxpayers' dollars. There are alternatives. I have supported and voted for efforts to privatize this whole function. I have supported and voted for efforts to block grant these funds to State councils, which I think are much more responsive and responsible in terms of how they are distributed. I have looked for alternative ways of providing incentives to support some of these very valuable contributions that are made through various projects that exist in our States. But I have been discouraged time after time in terms of our ability here to rein in what I think is often an inappropriate use of these taxpayers' dollars. For that reason, I support the amendment being offered by the Senator from Missouri and urge my colleagues to do the same.

With that, I yield the floor.

Mr. GORTON. Mr. President, I yield half of our remaining time to the Senator from Massachusetts and half to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask the Chair to notify me when 4½ minutes have passed.

Mr. President, I rise in strong support of the National Endowment for the Arts and full funding for the agency as provided in the Appropriations Committee bill.

I commend the committee for its continuing strong support for this important agency. I commend Senator GORTON, Senator BYRD, and many other members of the committee who have demonstrated impressive leadership on this issue, and essential funds are being provided to support Endowment programs in vital areas such as music, dance, visual arts, theater, opera and arts education.

For nearly a decade, Congress has debated the proper role of the Federal Government on the arts. Each year, a small group of Endowment bashers have led a charge against the agency—and each year the charge has effectively been turned back.

The funds provided in the current bill are the same amount approved by the Senate last year after lengthy debate and deliberation. The bill also includes the priorities and limitations on these funds from last year to ensure the effect of distribution of funds to neighborhoods and communities across the country.

The arts have a central and indispensable role in the life of America. The Arts Endowment contributes immensely to that life. It encourages the growth and development of the arts in communities throughout the nation, giving new emphasis and vitality to American creativity and scholarship and to the cultural achievements that are among America's greatest strengths.

Compelling research underscores the role of the arts in student performance in other academic subjects as well. A recent study by the College Board demonstrated a direct correlation between study of the arts and achievement on SAT scores. Students who had four or more years of arts courses scored 59 points higher on the verbal part of the SAT test and 44 points higher on the math part—compared to students with no equivalent courses in the arts.

If you were to, on the Senate floor, give us one indicator that can make a difference in enhancing the academic achievement and accomplishment of the young people in this country, the arts and the study of the arts has a record which is really second to none, let alone the value that it has in terms of enriching our culture and our history and the history of this Nation.

The arts are also an important part of the economic base of communities across the country. A study by the New England Foundation for the Arts emphasizes the economic impact. In 1995, cultural organizations in the region had a total economic impact of nearly $4 billion. During that time, over 99,000,000 people attended events and performances sponsored by cultural organizations. That number is nearly 8 times the entire population of New England. Clearly, programs in theater, music and art are significant community assets for both residents and tourists.

That benefit is one of the reasons why the United States Conference of Mayors strongly supports adequate funding for the arts and humanities. At their meeting last June in Reno, NV, the Conference adopted a resolution reaffirming its support of the Arts and Humanities Endowments and calling upon Congress to fund the agencies at the level of the President's fiscal year 1999 request. Although the bill we are debating today does not reach that amount, the level of funding is reasonable in light of the many other pressures in the budget, and I hope we can join in a bipartisan effort to enact it.

Bill Ivey, the new chairman of the Arts Endowment has pledged to comply fully with the new regulations on oversight and outreach established by Congress last year. In an effort to reach out to new communities, the Endowment has developed a new pilot project, ArtsREACH, to help states that have received five or fewer grants during the previous two years. This new effort is a productive way to bring the Endowment's programs to new audiences in small neighborhoods across the country, and I commend Chairman Ivey for his leadership.

Mr. President, I remember the wonderful lines of President Kennedy when he talked about the age of Phidias also being the age of Pericles, and the age of de Medici is also the age of Leonardo da Vinci, and the age of Elizabeth is the age of Shakespeare. The point is that at the time when we have had the greatest intellectual achievement and the most creative aspects of civilization, going back to the time of the Greek civilization, we have also had ennobling periods in terms of the values of our own society and our own history and our own forms of government.

Mr. President, this is a modest proposal. It used to be that we allocated the equivalent of two stamps for every American, in terms of the arts. Now the reduction is down to one stamp. In this great Nation of ours, it seems to me that we can allocate those resources in ways that will help and assist, preserve, support, and further the arts in our society. I hope the amendment of the Senator is not accepted.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I have two observations to make. We have had this debate virtually every year since I have been in the Senate. I don't want to repeat myself, although I have discovered since being here that there is no such thing as repetition in the Senate. We always pretend as if we have never said it before.

Two things. One, a historic comment by John Adams, writing to his wife Abigail. He said:

> I must study politics and war that my sons may have liberty to study mathematics and philosophy. My sons ought to study mathematics and philosophy, geography, natural history, naval architecture, navigation, commerce, and agriculture, in order to give their children a right to study painting, poetry, music, architecture, statuary, tapestry, and porcelain.

One of the dearest dreams of our Founding Fathers was that we, as a nation, would turn our attention to the arts and have our children and grandchildren do the same. The second point is that we have heard a great deal of various aspects of grants from the NEA, where they have gone and what tremendous harm they are doing.

I would simply like to share with the Senate where the funds from the NEA go in my home State. I don't usually list projects in my home State. But I think in this case it would make a good anecdote to some of the things we have heard.

In Utah, NEA funds have been used for children's theater with educational outreach in Coalville, Kamas, Duchesne, Roosevelt, Castle Dale, Salina, Beaver, and Price.

To those Senators who say they have never heard of those towns, I say that most people in Utah have never heard of them either. They are among some of our smallest communities. Without the NEA money, they would not have this educational outreach.

NEA funds have helped fund community arts' councils around the State,

including those in Springdale, Vernal, Richfield, Riverton, Cedar City, and Bluffdale, again in rural Utah.

NEA funding in Utah includes the Festival of the American West, the Children's Museum of Utah, the Northern Utah Choral Society, the Chamber Music Society of Logan, the Payson Community Theater, the Utah Shakespearean Festival, the Dixie Art Alliance, the Sundance Children's Theater, Ballet West, Repertory Dance Theatre, Quarterly West, Ririe-Woodbury Dance Foundation, the Utah Symphony, and recently the central Utah Highlanders Pipe Band.

The projects that I have listed are Utah projects organized by Utahns. The vast majority of the money spent on them is raised in Utah by Utahns. But here comes a bit of national recognition that brings pride and satisfaction to the local folks all across my State that says what you are doing is important, what you are doing deserves national recognition, and what you are doing deserves Federal support.

I find as I walk around Utah spontaneously people coming up to me, saying, "Senator, for all the things you do, the one thing we most appreciate is your defense of the arts." I would be unfaithful to those who asked me to continue that defense if I did not rise again, as I have on every occasion when this issue has come up, and make it clear that I support these appropriations.

I support the chairman of the subcommittee in the way he has handled these appropriations. It is a legitimate expenditure of public funds. I hope it continues.

Mr. JEFFORDS. Mr. President, I would like to commend the Chairman of the Subcommittee on Interior, Senator GORTON for his work, and the work of his staff in providing an increase in appropriations for the National Endowment for the Arts. I believe that the Committee recommendation reflects a sound understanding about what this public agency does. In recommending an increase in funding for NEA, the Committee has acknowledged the positive impact that the NEA has made to our nation, especially in the areas of education and exchange of cultural programs across the country.

As I just mentioned, one area that deserves particular attention is education. Broad based activities involving the arts make a significant and positive difference in the lives of millions of children each year.

It is in the national interest to provide support for programs which make the arts part of the education of our young people and NEA has funded extraordinary programs that do just that. By exciting students about learning—by making music, visual arts and song part of their lives—in school, after-school or on weekends, we are strengthening their education. By strengthening their education, we are strengthening our nation.

A recent study has shown that students of the arts are more successful on the SAT. In 1995, College Board figures showed that students who had studied the arts four or more years scored 59 points higher in the verbal and 44 points higher in the math portions of the SAT compared with students who had no course work or experience in the arts. Increasing our nation's young people's exposure to the arts has measurable good results.

The NEA has also made a significant difference in extending the availability of the arts in communities throughout the country. There are programs supported by the NEA which are of immeasurable benefit to folks all across this nation—in every one of our States. Recently, the NEA has implemented the ArtsREACH program which is designed to increase the direct NEA grant assistance to underserved areas. ArtsREACH holds great promise in providing more American communities with the financial assistance that is necessary to strengthen their own locally-based arts endeavors.

While federal funding for the arts is but a small part of overall funding for the arts, the federal funds distributed by the NEA make a BIG difference in spreading the cultural and artistic wealth of our nation to small towns and communities everywhere. This commitment to promoting outreach, accessibility and participation in the arts, in my view, is the most important mission of the NEA. And it is something that the NEA has done quite well since its creation in 1965.

The NEA's commitment to excellence in and access to the arts is evident in the types of grants it made to Vermont. Vermonters—and others visiting the state—will now have an opportunity to learn more about the pottery produced in Bennington from the late 18th century thanks to a grant made to the Bennington Museum; they will have an opportunity to hear the Vermont Symphony Orchestra perform in rural communities as part of the statewide "Made for Vermont" tour; they will hear radio broadcasts on traditional storytelling as part of the "New England Touchstones" series produced by the Vermont Folklife Center. Another NEA grant will allow Vermont to export and share some of its talent with other states. NEA has provided support to the Manchester Music Festival so that the Music Festival Orchestra can play in schools in Vermont, New Hampshire, New York and Massachusetts.

It is examples like the ones I mentioned from Vermont, which underscore the value of the federal government's role in fostering our cultural heritage.

There is great value in ensuring that all individuals have an opportunity to experience the beauty of dance, the magic of theater, the enchantment of reading, and the wondrous way that visiting a museum can take you to another place. Our federal investment in the arts yields returns of immeasurable value.

For those who have been skeptical of providing funds to the NEA in the past, I would hope that they would take note of the significant changes that have been made by Congress and the Agency itself to improve operations and make the NEA more responsive to the needs of the American people. Bill Ivey has recently taken over as Chairman of the NEA and I believe we should give him an opportunity to succeed. As I mentioned, the ArtsREACH program will go a long way in "spreading the wealth" of the NEA more widely. This program represents a step in the right direction taken by the agency. There are now members of Congress sitting on the National Council on the Arts who are able to participate "firsthand" in the grant making decisions of the Agency. Caps on funds available to any one State are in effect assuring a more fair distribution of funds to all States. These improvements thoughtfully and directly address criticisms that have been made in the past.

Art is important to the people of this nation and the NEA helps make the arts a part of more peoples lives. Just two weeks ago, over 2,600 people waited in line for over six hours outside the National Gallery of Art to secure a ticket to the upcoming exhibition of works of art painted by Vincent Van Gogh. The temperature was 97 degrees! yet people braved the heat for hours just to have the opportunity to admire the works of this great master painter. This exhibition would not be possible without the support that the NEA provides though indemnity and clearly, this type of sponsorship is just the kind of thing the people of our nation want us to invest in—the numbers make that clear!

Society, since the beginning of time, has left behind a chronicle of the past through its art. We will be remembered and understood by the architecture, monuments, arts and writing we pass on to the next generation. What we do today will have an enormous impact in the future and how we as a nation are perceived in the future. We must not be shortsighted and we should recognize that nurturing and preserving the heart and the soul of our country today will preserve the greatness of the nation for all time.

It is my hope that the Senate will stand firm in and support the recommendation made by the Interior Appropriations Committee and support this modest increase in funding for the NEA.

The National Endowment for the Arts, the National Endowment for the Humanities and the Institute for Museum and Library Services are agencies

with small budgets that provide extraordinary service to the people of this nation. I encourage my colleagues to support each of these agencies.

Again, I would like to thank Senator GORTON for his leadership on this issue.

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

The PRESIDING OFFICER. Two minutes 15 seconds.

Mr. GORTON. Mr. President, would the Senator from Arkansas like the last 2 minutes that is available?

Mr. BUMPERS. I would. I thank the Senator very much.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, since I have been in the Senate, I have come to the floor—and I would not want to miss my last opportunity before I leave the Senate—to express my strong, strong support of the National Endowment for the Arts.

We talk a lot in this country about how uncivil we have become; how uncivil our children have become. During the same time—I am not making the correlation—the National Endowment for the Arts' funding has gone down about 50 percent. I think it was close to $200 million when I came here.

I can tell you an experience I had when I was overseas waiting to come home after the war, and was bored to death. I have told this story before. But it is worth repeating. I saw a sign up on the bulletin board one day: "Would you like to learn about Shakespeare? Come to such and such a room tonight." So about six people just like me, bored stiff, waiting to get home, went over. It turned out that a Harvard dramatist—a drama coach from Harvard—had put up the sign.

He began to tell us about Shakespeare. He began to tell us about Hamlet. He had a tape recorder. In those days I had never seen a tape recorder. I remember. He said, "Listen to this." He spoke into his tape recorder and he proceeded to deliver Hamlet's speech to the players. It was a magnificent thing. It was the most mellifluous voice I had ever experienced. He played it back on his tape recorder. I was just stunned. It was just so beautiful. He handed us the tape recorder, and he said, "We are going to have each one of you do the same thing." I remember. I was about the second one. He handed us the script. I cannot tell you how embarrassed I was. I went ahead, and read "Speak the speech, I pray." I read the whole speech. I still remember it. I will not repeat it here. Then he turned the tape recorder on, and it came back. It was pure "Arkansas redneck."

I made up my mind right then that I did not want to sound like that the rest of my life. To be brutally frank with you, if it had not been for the experience I had with that drama coach for all of those nights—about six nights—I daresay I might not be standing on the floor of the Senate today. It was just a happenstance, just an opportunity.

Every time we give a child that kind of an opportunity, we are always a stronger, better, more civilized nation.

Thank you, Mr. President.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized, and has 3 minutes 26 seconds remaining.

Mr. ASHCROFT. Mr. President, I rise to oppose the National Endowment for the Arts—not because I am against art, but because I favor art; not because I want to corrupt art, but because I want it to remain uncorrupted.

Let me address some of the issues that have been raised. It was just said that we lack civility; so we need Government funding for the arts. We have seen that Government funding has frequently meant pornography, obscenity, attacks on religious faith, Mapplethorpe—I don't have to go further.

We have had great art. We have had great civility in this country. But we have not had an increase of civility, as we have had the National Endowment for the Arts, since the 1960s. I challenge whether that is the case.

Secondly, it was said that those who study art get better grades in school. Well, undoubtedly they do. But since the 1960s, when we started the National Endowment for the Arts, we have not seen an increase in the Scholastic Aptitude Tests, we have seen a decrease in them. Art is one thing. Federally subsidized art is another.

It has been alleged that people are grateful for art welfare, that they come and they say, "Thank you for the art money you give us." Well, I don't know of a single time when the Government hands out money that people don't gratefully come by and say, "Thank you for the money you give us in our community."

It has been alleged that the Founding Fathers such as John Adams liked art. Of course they liked art. They had better art to like in many circumstances than we do. It wasn't art corrupted by the Federal Government or a subsidy that demanded that the art be politically correct or that it be on the cutting edge of some social theory.

The suggestion is that our founders wanted us to have great art. Yes, they did, but they didn't want it in the Constitution, and they specifically rejected authority in the Constitution to fund art.

Let's just make it clear that the Federal Government does not need to be signaling to the art community or Americans what art is good art or what art is bad art. As a matter of fact, it even corrupts our foundations. About a year ago, the Orange County Register carried an editorial which said that so many foundations don't bother to assess what is going on anymore; they just look for where NEA is sending its grants, and they have their grants follow on.

I think we would be better off if we urged people consuming or funding art in this country to be careful about it, to think about it in terms of its quality, to think about it in terms of its potential for greatness, to think about what it calls us to. Does it call us to greatness? The Federal Government, with its sense of politics, doesn't need to be signaling that some art is worthy, some speech is worthy, other art is unworthy, other speech is to be disregarded.

It is not that we do not believe in art in America. All of us understand that the gifts of expression which God has given us are to be developed and they should be developed educationally and by individuals. But because art is expression and because it is related to values and because it is speech, it is inappropriate for the Government to say that some art is to be funded, some art is to be subsidized, and other art is to be disregarded, that other art is somehow unworthy and not to be provided merit.

I believe that we will be a more civil society if we have a marketplace which determines what happens in the art community rather than a subsidy from Government. I believe we will be a well educated people, but it will be when we understand art for its value to us, not art that we receive at the hand of Government or art that becomes a part of a welfare state for the rich or for others in the community. I believe that art is an expression that ought to be regarded as an individual's choice.

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

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The manager of the bill.

Mr. GORTON. I move to table the Ashcroft amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion to table the Ashcroft amendment No. 3593. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

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

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

[Rollcall Vote No. 269 Leg.]

YEAS—76

Abraham	Bond	Byrd
Akaka	Boxer	Campbell
Baucus	Breaux	Chafee
Bennett	Bryan	Cleland
Biden	Bumpers	Cochran
Bingaman	Burns	Collins

Conrad	Hatch	Reed
Craig	Hutchison	Reid
D'Amato	Inouye	Robb
Daschle	Jeffords	Roberts
DeWine	Johnson	Rockefeller
Dodd	Kempthorne	Roth
Domenici	Kennedy	Santorum
Dorgan	Kerrey	Sarbanes
Durbin	Kerry	Smith (OR)
Enzi	Kohl	Snowe
Feingold	Landrieu	Specter
Feinstein	Lautenberg	Stevens
Ford	Leahy	Thomas
Frist	Levin	Thurmond
Glenn	Lieberman	Torricelli
Gorton	Lugar	Warner
Graham	Moseley-Braun	Wellstone
Grassley	Moynihan	Wyden
Gregg	Murkowski	
Harkin	Murray	

NAYS—22

Allard	Hagel	McConnell
Ashcroft	Helms	Nickles
Brownback	Hutchinson	Sessions
Coats	Inhofe	Shelby
Coverdell	Kyl	Smith (NH)
Faircloth	Lott	Thompson
Gramm	Mack	
Grams	McCain	

NOT VOTING—2

Hollings	Mikulski

The motion to lay on the table the amendment (No. 3593) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. Mr. President, the Senate is now considering S. 2237, the Department of the Interior and Related Agencies appropriations bill for fiscal year 1999.

The Senate bill provides $13.5 billion in budget authority and $8.7 billion in new outlays to operate the programs of the Department of the Interior and related agencies for fiscal year 1999.

When outlays from prior year budget authority and other completed actions are taken into account, the bill totals $13.5 billion in budget authority and $14.0 billion in outlays for fiscal year 1999.

The subcommittee is below its section 303(b) allocation for budget authority and outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of this bill be printed in the RECORD at this point.

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

S. 2237, INTERIOR APPROPRIATIONS, 1999 SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 1999, in millions of dollars]

	Defense	Non-defense	Crime	Mandatory	Total
Senate-reported bill:					
Budget authority		13,404		58	13,462
Outlays		13,959		58	14,017
Senate 302(b) allocation:					
Budget authority		13,410		58	13,468
Outlays		13,960		58	14,018
1998 level:					
Budget authority		13,712		55	13,767
Outlays		13,648		50	13,698
President's request					
Budget authority		14,063		58	14,121
Outlays		14,384		58	14,442
House-passed bill:					
Budget authority		13,370		58	13,428
Outlays		13,956		58	14,014
SENATE-REPORTED BILL COMPARED TO—					
Senate 302(b) allocation:					
Budget authority		−6			−6
Outlays		−1			−1
1998 level:					
Budget authority		−308		3	−305
Outlays		311		8	319
President's request					
Budget authority		−659			−659
Outlays		−425			−425
House-passed bill:					
Budget authority		34			34
Outlays		3			3

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DOMENICI. Mr. President, I commend the full committee and our Interior Appropriations Subcommittee for the hard work on this bill. As a member of the subcommittee, I am especially grateful to our chairman, the distinguished Senator from Washington (Mr. GORTON) for his sensitivity to the special needs and concerns of New Mexicans. We live in a State with vast Federal land ownership. Programs within the Interior Department and the Forest Service, especially, which are funded by this bill, have a major impact on the lives of my constituents. As in previous years, it has been a pleasure working with Senator GORTON to craft a bill that is good for both New Mexico and the Nation.

I am especially pleased that this bill accommodates additional funding for the New Mexico Hispanic Cultural Center in Albuquerque and the El Camino Real International Heritage Center, as well as for Bandelier, Aztec ruins and Petroglyph national monuments, the Rio Puerco watershed rehabilitation, and the Middle Rio Grande Bosque Research proposal. This bill also provides increased funding for the vanishing treasures initiative and continues support for my Indian diabetes initiative.

At a time when we are asking every committee of the Senate to work with tight spending caps to preserve and extend the progress we have made in balancing the budget, the committee has reported to the floor a bill that still provides for an increase in spending for our national parks. Hard choices were made to achieve this increase and I applaud the committee's work in providing this increase.

Mr. President, I urge the adoption of the bill.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent that there now 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.

ACKNOWLEDGMENT OF SENATOR COATS' 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today I have the pleasure to announce that Senator COATS is the latest recipient of the prestigious Golden Gavel Award, marking his 100th hour as Presiding Officer over the U.S. Senate.

The awarding of this Golden Gavel is particularly special, as Senator COATS is retiring at the end of this Congress. It was Senator COATS' desire to win a Golden Gavel before his departure. He has achieved this honor through dedication and the willingness to assist with presiding whenever possible.

It is with sincere appreciation that I announce to the Senate the latest recipient of the Golden Gavel Award—Senator DAN COATS of Indiana.

TRANSFER OF LAND BETWEEN THE LAKES FROM TVA TO THE FOREST SERVICE

Mr. FORD. Mr. President, I rise today to speak about an issue that is of great importance to my state. For over 30 years the Tennessee Valley Authority has administered a parcel of land in Kentucky called Land Between the Lakes. For those of you who have not had the pleasure of visiting this region, Land Between the Lakes is used for recreational and educational activities and for pure enjoyment of the land's beauty.

In 1961 TVA proposed to President Kennedy that land between Lake Barkley and Kentucky Lake be established as a national recreation area. In 1963 that proposal became a reality. Initially, TVA was to administer Land Between the Lakes for about 10 years as a temporary demonstration project after which permanent administration would be determined. Though no formal proceedings were held to determine who should administer Land Between the Lakes it has been the custom and practice of Congress to provide annual appropriations to TVA for Land Between the Lakes.

TVA has invested years in creating a program that meets the needs of all Land Between the Lakes visitors. According to the Administration Land Between the Lakes is "the hub of tourism and recreation industry that annually generates $400 million in economic activity in nine contiguous counties." TVA has the equipment, it has the resources and it has employees to do the job correctly. TVA has a vested interest in protecting the integrity of the land, a vested interest like the original landowners who want to assure their land in Kentucky receives the upmost care and protection. And Mr. President, people in the Commonwealth of Kentucky have deep cultural ties to the land. Land Between the Lakes is not just another recreation area—it is a part of family history. Kentuckians gave up their rights to property that

had been in their family for generations, so the whole world would have the opportunity to enjoy Land Between the Lakes and its natural resources.

Creation of Land Between the Lakes as a national recreation area was not without incident. But over the years TVA has proven itself as a worthy guardian of one of Kentucky's most precious resources. Land Between the Lakes is a place for both the young and old, Kentuckians and visitors to our state to appreciate nature in its purest form. TVA is keeping a promise made to the original land owners to conserve, protect and keep the land in its natural state.

Mr. President, a provision of this bill transfers the administrative authority of Land Between the Lakes to the National Forest Service if Congress does not appropriate $6 million to manage the recreation area. But in Kentucky, we believe if it isn't broken don't fix it. The people of Kentucky who sacrificed their family land to create Land Between the Lakes do not want this transfer to occur. They cannot understand why people in Washington want to take away TVA's administrative authority of Land Between the Lakes when Kentuckians are happy with the status quo, and I'm having a hard time explaining why people who don't live in Kentucky are making this decision. It doesn't make sense to my constituents and I agree.

If Congress is willing to appropriate $6 million for Land Between the Lakes for the Forest Service, then it's sending a clear message that it supports continued funding for Land Between the Lakes. If Congress intends to fund Land Between the Lakes then it makes sense to fund it through TVA, an established and successful route of management.

Who administers Land Between the Lakes may not be an issue of national importance, but for Kentuckians it is a matter of pride and honor in protecting their land. For the last couple of years we've all heard how important it is to give local communities the power to make decisions that directly affect their lives. When it's in Congress' best interest, they're all for giving local communities the power to make their own decisions. But for Kentuckians who gave up their land to help create Land Between the Lakes, Congress believes it knows better what's in their best interest.

This provision threatens the integrity of the land and the integrity of the people of Kentucky. My fellow Kentuckians have never been shy about letting me know what is best for them and I've never been afraid to listen. Transferring administrative authority of Land Between the Lakes away from TVA is a bad move. The proposal of this transfer has caused an emotional response and divided communities. It does not represent the best interest of Land Between the Lakes, the original landowners' families, nor the people of Kentucky.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, September 14, 1998, the federal debt stood at $5,548,258,444,676.13 (Five trillion, five hundred forty-eight billion, two hundred fifty-eight million, four hundred forty-four thousand, six hundred seventy-six dollars and thirteen cents).

Five years ago, September 14, 1993, the federal debt stood at $4,387,136,000,000 (Four trillion, three hundred eighty-seven billion, one hundred thirty-six million).

Ten years ago, September 14, 1988, the federal debt stood at $2,597,643,000,000 (Two trillion, five hundred ninety-seven billion, six hundred forty-three million).

Fifteen years ago, September 14, 1983, the federal debt stood at $1,354,836,000,000 (One trillion, three hundred fifty-four billion, eight hundred thirty-six million).

Twenty-five years ago, September 14, 1973, the federal debt stood at $461,118,000,000 (Four hundred sixty-one billion, one hundred eighteen million) which reflects a debt increase of more than $5 trillion—$5,087,140,444,676.13 (Five trillion, eighty-seven billion, one hundred forty million, four hundred forty-four thousand, six hundred seventy-six dollars and thirteen cents) during the past 25 years.

DR. MARIAFRANCA MORSELLI

Mr. LEAHY. Mr. President, I rise to pay tribute to the life work of Dr. Mariafranca Morselli.

In 1964, it was our good fortune that Dr. Morselli joined the Maple Research team at the University of Vermont. She has been a family friend and an informal advisor to me for decades.

Her research has considerably helped the Maple Syrup Industry to improve production methods and the quality and maple products. This work has been invaluable to my home state.

Vermont is the largest producer of maple syrup in the United States. There are approximately 2000 sugarmakers in the state and the industry provides about 4000 jobs in Vermont. Maple sugaring is critical to maintaining the beauty of the working landscape of Vermont, providing added income to help family farms stay in business.

We take great pride in the worldwide acclaim for the quality and taste of Vermont maple products.

Dr. Morselli is a pioneer. She received her doctoral degree in Natural Sciences and Botany from the University of Milan, Italy in 1946, and taught in a college in Milan. After working in both Italy and the United States, she settled in Vermont to continue her research.

In 1983, she was the first woman to received the Outstanding Service Award in research by the North American Maple Syrup Council. In 1988, she received three awards, each time as the first female recipient: the Research Service Award from the International Maple Syrup Institute; the Maple Syrup Person of the Year Award from the Vermont Maple Industry; and the Maple Syrup Producer of the Year Award from the Vermont Maple Sugar Makers' Association. In 1991, Dr. Morselli was the first woman to be inducted into the American Maple Hall of Fame.

She also volunteers her time in activities related to improving education at all levels for women in math and science. She has been appointed to the Governor's Commission on Women and to the Vermont Developmental Disabilities Council. In recognition of her commitment to the role of women in academia, upon her retirement from the University of Vermont, students and colleagues established "The Mariafranca Morselli Leadership Award." The award is given yearly to an undergraduate woman who has made special contribution as a scholar and in advancing equity for women.

Mariafranca has incredible energy. In fact, in 1985, the Burlington Professional Women honored her as one of Vermont's Most Exciting Women.

She never slows down. Earlier this month, Governor Dean of Vermont appointed Dr. Morselli to the state Affirmative Action Council.

I applaud her tireless efforts to improve the world in which we live. I am proud to call Dr. Mariafranca Morselli my friend. I also want to mention how much her friendship meant to my late mother, Alba Leahy. My mother always enjoyed her conversation with Dr. Morselli. She especially enjoyed them because she could use her native tongue, Italian.

I ask unanimous consent that at the conclusion of my remarks an article from the Burlington Free Press be included in the CONGRESSIONAL RECORD.

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

[From the Burlington Free Press, Sept. 7, 1998]

SCIENTIST CONTINUES ACTIVIST DUTIES

DEAN APPOINTS RETIRED EDUCATOR TO ADVISORY COUNCIL

(By Susan Green)

As the sole female on the faculty of the University of Vermont's botany department for almost 25 years, Mariafranca Morselli was determined to give her gender a boost.

Gov. Howard Dean has appointed the South Burlington resident to the Affirmative Action Council, a 15-member advisory board that examines issues of equal opportunity for minorities in the state.

"She's a tremendous asset," Dean said of the 75-year old Morselli, who is a native of

Italy. "I recognize her important efforts to advance women in the field of science."

The Milan-born educator also advanced Vermont's maples for more than two decades, from 1964 through 1988, as a research professor familiar with the trees and the people who tap them. After she retired from teaching, Morselli continued her involvement with the industry through projects for the North American Maple Syrup Council. In 1991, she became the only woman ever elected to the National Maple Museum Hall of Fame.

"When I first started, I felt quite humble," she said of her foray into the largely male world of maple production. "Vermonters did not pay much attention to a scientist who is a woman who came from another country. But I was working for them and got their trust."

During an otherwise privileged childhood, Morselli adopted a feminist perspective because her mother was "a society belle who imparted a stern sense of duty in life and work," she said.

With her husband-to-be, Mario, she came to the United States just after World War II. Although not romantically attached at the time, they both taught at an Illinois college: His field was chemistry, before he turned to writing about military history; hers were zoology and botany.

The couple moved to Italy and married in 1949. They returned to America eight years later, living in New York and skiing in Stowe.

The purchase of a Danville farm in 1959 provided the impetus for the Morsellis to make Vermont their full-time home in the early 1960's. They have three grown daughters, including state archaeologist Giovanna Peebles, and four grandchildren.

Morselli, who is chairwoman of the American Association of University Women's public policy committee and serves as environmental coordinator for the League of Women Voters, is constantly on the go. In her spacious condo near Kennedy Drive, the phone keeps ringing and the fax is always humming.

"I have tremendous energy," she said, referring to her extensive community service. "I think it comes from my Yankee/northern Italian stock."

The other clue to Morselli's activism might be her sense of free will. "I always told my students, 'You are your destiny,'" she said.

Beyond that, "I love my work. I love my husband. I love my family. Love has been the motif of my life."

HISPANIC HERITAGE MONTH

Mr. DOMENICI. Mr. President, 1998 is a very special year for celebrating Hispanic roots in New Mexico. This year we are commemorating the 400th anniversary of the first permanent Settlement in the Southwest, which took place in the Española Valley near San Juan Pueblo of New Mexico in 1598.

Dozens of meaningful and beautiful events have already been held in honor of this anniversary. I participated in a particularly stirring event at the San Gabriel Chapel in Española last spring. The Spanish Mayor of Española, Richard Lucero, organized a very special event with Governor Earl Salazar of San Juan Pueblo and Governor Walter Dasheno of Santa Clara Pueblo to unveil the design for a commemorative stamp featuring the San Gabriel Chapel and the "Spanish Settlement of the Southwest—1598." This is 22 years before the Pilgrims landed at Plymouth Rock.

The Governors and the Mayor exchanged stories about the importance of their respective cultures to each other. All those present were moved by the stories of lasting friendships formed on baseball fields, and marriages between Indians and Hispanics. There were also strong expressions of Hispanic and Indian intent to keep forging their futures together, along with the Anglo culture. I wish those meaningful stories and moments could have been enjoyed first hand by more New Mexicans.

In July, I was back in Española for annual fiesta and the official first sale of the United States commemorative stamp. This starkly beautiful stamp has done more than I first imagined to bring a new unity to the historic Española Valley. Both the Spanish and Indian cultures in this valley have openly expressed and celebrated the positive aspects of bringing two distinct cultures together.

The Quarto Centenario, or 400th Anniversary, is a most vital and memorable commemorative year for New Mexicans and for our nation. New Mexico's newspapers are reporting many of the historical details of the early Spanish colonization of the Southwest. Educators and museums are providing many opportunities to revisit our state history through music, dance, and lectures.

The Archdiocese of Santa Fe has recently published "Four Hundred Years of Faith." This fascinating review of the critical role of the Catholic Church in shaping the culture of New Mexico is well told and beautifully illustrated, including photographs of all the Catholic Churches in New Mexico.

Don Juan de Oñate, the original Spanish colonizer, was accompanied by the Sons of St. Francis who walked into northern New Mexico with Oñate in 1598. As described in the book from the Archdiocese, "What resulted from the first struggles was nothing less than the birth of New Mexico culture and Catholicism that can truly be called indigenous to this land. The reconciliation between the Spanish and Indian people produced a faith capable of adapting to different circumstances, as well as being inclusive of the many different peoples already present and those that would follow."

"The eminent Pueblo scholar Professor Joe Sando has written of these positive accomplishments. He notes that the Pueblo Indians have fared much better under the Spanish than the Indians on the East Coast of the United States. There are no Indian markets in Boston or New York. Their Indian culture was pretty well destroyed. In New Mexico, Indian culture still flourishes."

Spain has also been an active participant in the Quarto Centenario. The Vice President of Spain, Francisco Alvarez-Cascos, and the Spanish Ambassador to the United States, Antonio de Oyarzabal, and their delegation visited key Spanish historic sites in New Mexico last spring.

This Spanish delegation traveled to Española and San Juan Pueblo, where Oñate's original expedition established the first Spanish settlement in the Southwest. A powerful reconciliation meeting was held with New Mexico Pueblo Indian leaders at San Juan Pueblo.

At this historic meeting, Indian leaders stressed the beneficial aspects of Spanish settlement, like art, agriculture, trading, government, and the introduction of Catholicism. The Indian proclamation, however, also stated that the period of settlement "brought great suffering and pain" for both the Pueblo people and the colonizers.

This day of reconciliation in late April focused on forging stronger ties between Spain and the Indian pueblos, with the promise of educational, economic development and cultural opportunities.

As a follow-up to the promises of this historic reconciliation, hundreds of New Mexicans, are planning to go to Spain in November on a trade and cultural exchange mission.

The Spanish Vice President Alvarez-Cascos summarized the day in his remark that, "We are the sons of our past history, but we are also the fathers of our future." He said the two peoples "want to know each other better to build a new friendship."

A sacred buffalo dance was performed by Pueblo dancers with men wearing authentic buffalo headdresses. Hundreds of New Mexicans attended this outdoor event on the San Juan Pueblo Plaza in spite of the blustery weather. The spirit of unity and harmony was apparent to all who attended.

Thus the original site where Oñate met the Ohkay Owingeh Indians, Place of the Strong People, and renamed their home San Juan de los Caballeros (hence, the San Juan Indians), was also the sight of a powerful reconciliation meeting 400 years after Oñate proclaimed it the capitol of the Kingdom of New Mexico.

The Spanish delegation also visited the site of the future Hispanic Cultural Center in Albuquerque, New Mexico. As planned, this will be our nation's largest Hispanic cultural center.

To build this national and international cultural center, local public and private contributions have been raised, exceeding $20 million. These funds will build an art gallery, museum, restaurant, ballroom, ampitheater, and literary arts center.

Federal money of about $18 million will be used to match these local contributions and to build the planned Hispanic Performing Arts Center. Altogether, approximately $40 million will be invested in this new cultural and educational attraction featuring the many aspects of Hispanic culture, history, and arts.

We New Mexicans are looking forward to this new showcase for Hispanic art, dance, music, food, and history. I feel a new pride among Hispanics of New Mexico as they prepare to offer this new treasure for the enjoyment of visitors from all over America and the world.

In master calendars of New Mexico events for the Cuarto Centenario, over 180 events are listed. These range in purpose from lectures and reenactments to cultural performances, and parades. Prominent New Mexico women in the arts, politics, and education will be featured in "Nuestra Mujeras" (Our Women). The "Día de La Raza" (Day of Hispanics) will be a major event in October with events at the University of New Mexico, the new Albuquerque Civic Plaza, and the Albuquerque Museum. When moving events like these are attended and remembered, New Mexico and America will have a better sense of pride in its Spanish roots.

As our nation celebrates and acknowledges Hispanic Heritage Month in 1998, I wish to commend the thousands of New Mexicans who have worked so hard to bring their Spanish heritage to the forefront during the Cuarto Centenario—the 400th anniversary of the first permanent Spanish settlement in the Southwest. Americans can be grateful for these fine moments of remembrance, reconciliation, and cultural gems for creating a stronger future.

MESSAGES FROM THE HOUSE

At 11:25 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 892. An act to designate the Federal building located at 236 Sharkey Street in Clarksdale, Mississippi, as the "Aaron Henry Federal Building and United States Courthouse."

H.R. 2508. An act to provide for the conveyance of Federal land in San Joaquin County, California, to the City of Tracy, California.

H.R. 3007. An act to establish the Commission on the Advancement of Women in Science, Engineering, and Technology Development.

H.R. 3332. An act 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.

H.R. 4083. An Act to make available to the Ukrainian Museum and Archives the USIA television program "Window on America."

H.R. 4309. An act to provide a comprehensive program of support for victims of torture.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 185. Concurrent resolution 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. 224. Concurrent resolution urging international cooperation in recovering children abducted in the United States and taken to other countries.

H. Con. Res. 254. Concurrent resolution calling on the Government of Cuba to extradite 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.

The message further announced that the House has passed the following bill, with amendments, in which it requests the concurrence of the Senate:

S. 2032. An act to designate the Federal building in Juneau, Alaska, as the "Hurff A. Saunders Federal Building."

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2206. An act 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.

The message further announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 105. Concurrent resolution expressing the sense of the Congress regarding the culpability of Slobodan Milosevic for war crimes, crimes against humanity, and genocide in the former Yugoslavia, and for other purposes.

S. Con. Res. 115. Concurrent resolution to authorize the printing of copies of the publication entitled "The United States Capitol" as a Senate document.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 892. An act to designate the Federal building located at 236 Sharkey Street in Clarksdale, Mississippi, as the "Aaron Henry Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 2508. An act to provide for the conveyance of Federal land in San Joaquin County, California, to the City of Tracy, California; to the Committee on Governmental Affairs.

H.R. 3332. An act 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; to the Committee on Commerce, Science, and Transportation.

H.R. 4083. An act to make available to the Ukrainian Museum and Archives the USIA television program "Window on America"; to the Committee on Foreign Relations.

The following concurrent resolutions were read and referred as indicated:

H. Con. Res. 185. Concurrent resolution 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; to the Committee on Foreign Relations.

H. Con. Res. 224, Concurrent resolution urging international cooperation in recovering children abducted in the United States and taken to other countries; to the Committee on Foreign Relations.

H. Con. Res. 254. Concurrent resolution calling on the Government of Cuba to extradite 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, to the Committee on Foreign Relations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-6939. A communication from the Alternate Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Transactions with Affiliates; Reverse Repurchase Agreements" received on August 13, 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC-6940. A communication from the Director of the United States Information Agency, transmitting, pursuant to law, the report of the Broadcasting Board of Governors for calendar year 1997; to the Committee on Foreign Relations.

EC-6941. A communication from the Acting Assistant Attorney General, Department of Justice, and the Assistant Secretary of Defense, transmitting, pursuant to law, the report entitled "Thefts From Military Arsenals of Firearms, Explosives and Other Materials of Potential Use to Terrorists" for fiscal year 1996; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-533. A petition from the estate of a citizen of Burgstadt, Germany (Blumenfeld) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-534. A petition from the estate of a citizen of Burgstadt, Germany (H. Urban) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-535. A petition from the estate of a citizen of Burgstadt, Germany (Wanderlich) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-536. A petition from the estate of a citizen of Burgstadt, Germany (U. Renkewitz) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-537. A petition from the estate of a citizen of Burgstadt, Germany (A. Urban) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-538. A petition from the estate of a citizen of Burgstadt, Germany (M. Renkewitz) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-539. A petition from the estate of a citizen of Burgstadt, Germany (Potschke) relative to a demand for damages for wrongful death; to the Committee on the Judiciary.

POM-540. A resolution adopted by the House of the Legislature of the Commonwealth of the Northern Marianas Islands; to the Committee on Energy and Natural Resources.

HOUSE RESOLUTION NO. 11-65

Whereas the United States Committee on Energy and Natural Resources, chaired by senator Frank H. Murkowski has approved a substitute amendment to Senate Bill 1275 which would provide for the full extension of the Immigration and Nationality Act to the Commonwealth of the Northern Mariana Islands ("CNMI") contingent upon certain findings by the US Attorney General; and

Whereas, the CNMI has been working diligently and in good faith to make progress in resolving the immigration and labor issues Senator Murkowski addressed at the March 31, 1998 hearing on Senate Bill 1275 in the Commonwealth; and

Whereas, the CNMI has offered to work together with the appropriate federal agencies to address the issues of mutual concern between the United States and the CNMI without the need for the US Congress to enact the proposed legislation which would amend the Covenant; and

Whereas, the CNMI was not provided the opportunity to address the Committee regarding the amendment to Senate Bill 1275; and

Whereas, the proposed enactment of Senate Bill 1275 as amended would circumvent the Covenant's 902 negotiation process; now, therefore, be it

Resolved, by the House of Representatives, Eleventh Northern Marianas Commonwealth Legislature, That the House; requests the United States Congress to consider the position of the CNMI and to reject Senate Bill 1275 as amended and to require the Commonwealth and Federal Government to consult and negotiate with each other on immigration and labor issues; and be it further

Resolved, That the Speaker of the House shall certify and the House Clerk shall attest to the adoption of this resolution and thereafter transmit copies to the Honorable Albert Gore, Jr., Vice President of the United States and President of the United States Senate; the Honorable Strom Thurmond, President Pro Tempore; the Honorable Trent Lott, Majority Leader, the Honorable Don Nickles, Assistant Majority Leader; the Honorable Larry Craig, Chairman, Republican Policy Committee; the Honorable Connie Mack, Chairman, Republican Conference; the Honorable Thomas A Daschle, Minority Leader; the Honorable Richard G. Lugar, Chairman, Senate Agriculture, Nutrition and Forestry Committee; the Honorable Ted Stevens, Chairman, Senate Appropriations Committee; the Honorable Strom Thurmond, Chairman, Senate Armed Service Committee; the Honorable Alfonse M. D'Amato, Chairman, Senate Banking, Housing and Urban Affairs Committee; the Honorable Pete V. Domenici, Chairman, Senate Budget Committee; the Honorable John McCain, Chairman, Senate Commerce, Science and Transportation Committee; the Honorable John H. Chafee, Chairman, Senate Environment and Public Works Committee; the Honorable William V. Roth, Jr., Chairman, Senate Finance Committee and the Joint Committee on Taxation; the Honorable Jesse Helms, Chairman, Senate Foreign Relations Committee; the Honorable Fred Thompson, Chairman, Senate Governmental Affairs Committee; the Honorable Ben Nighthorse Campbell, Chairman, Senate Indian Affairs Committee; the Honorable Orrin G. Hatch, Chairman, Senate Judiciary Committee; the Honorable Jim M. Jeffords, Chairman, Senate Labor and Human Resources Committee; the Honorable John W. Warner, Chairman, Senate Rules and Administration Committee; the Honorable Christopher "Kit" S. Bond, Chairman, Senate Small Business Committee; the Honorable Arlen Specter, Chairman, Senate Veterans' Affairs Committee; the Honorable Robert C. Smith, Chairman, Senate Select Committee on Ethics; the Honorable Richard C. Shelby, Chairman, Senate Committee on Intelligence; the Honorable Charles E. Grassley, Chairman, Senate Special Committee on the Aging; the Honorable John W. Warner, Chairman, Joint Committee on Printing; the Chairman and members of the United States Senate Energy and Natural Resources Committee, the Honorable Frank H. Murkowski, the Honorable Craig Thomas, the Honorable Jon L. Kyl, the Honorable Rod Grams, the Honorable Gordon Smith, the Honorable Slade Gorton, the Honorable Conrad Burns, the Honorable Dale Bumpers, the Honorable Wendell H. Ford, the Honorable Jeff Bingaman, the Honorable Daniel K. Akaka, the Honorable Byron L. Dorgan, the Honorable Bob Graham, the Honorable Ron Wyden, the Honorable Tim Johnson, the Honorable Mary Landrieu; the Honorable Newt Gingrich, Speaker of the United States House of Representatives, the Honorable Richard Armey, US House Majority Leader; the Honorable Tom Delay, US House Majority Whip; the Honorable Dan Burton, Chairman, House Government Reform and Oversight Committee; the Honorable Don Young, Chairman, House Resources Committee; the Honorable Pedro P. Tenorio, Governor of the Commonwealth of the Northern Marianas Islands; the Honorable Jesus R. Sablan, Lt. Governor of the Commonwealth of the Northern Marianas Islands; and to the Honorable Juan N. Babauta, Washington Representative of the Commonwealth of the Northern Marianas Islands.

Adopted by the House of Representatives on June 19, 1998.

POM-541. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Foreign Relations.

HOUSE RESOLUTION NO. 176

Whereas, In a country such as ours, blessed with constitutionally protected religious freedom, there is an unfortunate tendency to overlook the restrictions of religious liberty placed upon people of faith worldwide; and

Whereas, Disturbing incidents of anti-Semitic violence and oppression, including neo-Nazi slogans and practices in Europe and the former Soviet republics, are rekindling memories of the Holocaust; and

Whereas, It is reported that 200 million Christians worldwide are being harassed, fined, tortured, imprisoned, or otherwise persecuted for their faith, and that an additional 400 million live under severe restrictions on religious liberty; and

Whereas, The recent Chinese and American summit has reminded the world of a persecution of the Tibetan Buddhist believers; and

Whereas, The suffering or death of any human, of any or no religious faith, is wrong before God; now, therefore, be it

Resolved by the House of Representatives, That we memoralize the President and the United States Congress to exercise a stance of uncompromising opposition to religious persecution around the world; and be it further

Resolved, That a copy of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

Adopted by the House of Representatives, June 16, 1998.

REPORTS OF COMMITTEES

The following report of committee was submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2432. A bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes (Rept. No. 105-334).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee was submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Timothy B. Dyk of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

(The above nomination was reported with the recommendation that he be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself and Mr. MACK):

S. 2469. A bill to direct the Secretary of the Interior to make technical corrections to a

map relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

S. 2470. A bill to direct the Secretary of the Interior to make technical corrections to a map relating to the Coastal Barrier Resources System; to the Committee on Environment and Public Works.

By Mr. COVERDELL (for himself and Mr. TORRICELLI):

S. 2471. A bill to amend the Internal Revenue Code of 1986 to provide a partial exclusion from gross income for dividends and interest received by individuals; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. DASCHLE, Mr. SMITH of Oregon, Mr. BAUCUS, Mr. CRAIG, Mr. JOHNSON, and Mr. BURNS):

S. 2472. A bill to amend the Federal Land Policy and Management Act of 1976 to exempt the holder of a right-of-way on public lands granted, issued, or renewed for an electric energy generation, transmission, or distribution system from certain strict liability requirements otherwise imposed in connection with such a right-of-way; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 2473. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Finance.

By Mr. DASCHLE (for Mr. HOLLINGS):

S. 2474. 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 Environment and Public Works.

By Mr. D'AMATO:

S. 2475. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to protect the rights of participants and beneficiaries of terminated pension plans; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. DEWINE, Mr. HUTCHINSON, and Mr. BROWNBACK):

S. 2476. A bill for the relief of Wei Jengsheng; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MURKOWSKI:

S. Res. 276. A resolution expressing the sense of the Senate that the President should reimburse the American taxpayer for costs associated with the Independent Counsel's investigation of his relationship with Ms. Monica Lewinsky; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, Mr. HATCH, Mr. BYRD, Mr. THOMAS, Mr. HOLLINGS, Mr. ROTH, Mr. FORD, Mrs. BOXER, Mr. MURKOWSKI, and Mr. SESSIONS):

S. Res. 277. A resolution expressing the sense of the Senate with respect to the importance of diplomatic relations with the Pacific Island nations; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself, Mr. DASCHLE, Mr. SMITH of Oregon, Mr. BAUCUS, Mr. CRAIG, Mr. JOHNSON, and Mr. BURNS):

S. 2472. A bill to amend the Federal Land Policy and Management Act of 1976 to exempt the holder of a right-of-way on public lands granted, issued, or renewed for an electric energy generation, transmission, or distribution system from certain strict liability requirements otherwise imposed in connection with such a right-of-way; to the Committee on Energy and Natural Resources.

RIGHTS-OF-WAY LEGISLATION

• Mr. WYDEN. Mr. President, I am pleased to be joined by Senators DASCHLE, SMITH of Oregon, BAUCUS, BURNS, JOHNSON, and CRAIG, in introducing legislation making an important adjustment to the way the Government manages rights-of-way over federal lands. The provisions in this bill address the situation involving liability standards for electric utilities that utilize federal rights-of-ways to provide electricity to rural communities.

I am pleased to be working on this issue with my good friends and colleagues from Oregon, BOB SMITH and PETER DEFAZIO. Chairman SMITH has introduced similar legislation in the House of Representatives, which received a hearing in the House Resources Committee earlier this year. During that hearing, one of my constituents, Mr. Bill Kopacz of Midstate Electric in LaPine, Oregon testified on the need to reform the current federal policy of requiring strict liability for fires that occur in right-of-ways.

Under strict liability, the holder of a right of way is responsible for all injury, loss, or damage, including fire suppression costs, caused by the holder of the right of way without regard to the holder's negligence.

The problem that this legislation addresses is best illustrated by the experience of the Midstate Electric Cooperative of LaPine, Oregon.

As a matter of prudent maintenance, Midstate trims or removes trees on right-of-ways that pose a risk of falling onto electric lines. On federal rights-of-way, the cooperative consults with the appropriate land management agency—which of course must approve these management actions. After proposing the removal of a number of trees on a Forest Service right-of-way in 1984, Midstate was told by the agency that it could cut some down, but had to leave other specified trees standing. Of course the predictable happened—one of the trees that Midstate had proposed cutting, which the Forest Service had refused to allow to be removed, fell into a power line and started a fire.

In the end it cost more than $326,850 to put that fire out—and Midstate Electric got the bill. Since the fire resulted from a management decision of the Forest Service, Midstate went to court in an attempt to appropriately assign the financial liability of fighting the fire. Midstate lost the court action because of a ruling which interpreted right-of-way contracts as holding the co-op and other right-of-way lessees to a strict liability standard.

The 1976 Federal Land Policy and Management Act provided federal agencies with the authority to impose strict liability for costs associated with hazards on federal lands. Prior to 1976, agencies recovered costs associated with hazards, such as costs required to put out a fire, on the basis of normal negligence.

This bill would replace that strict liability standard in favor of a normal negligence standard that is routinely used in private right-of-way contracts. The new standard will say: if you caused it, you are responsible for it. Rural electric cooperatives, investor-owned utilities and municipalities are not looking to pass the buck to the American taxpayer. If they are negligent in maintaining federal rights-of-way, they should bear the responsibility. However, by enforcing any standard more rigid than that, the land management agencies are purposefully transferring cost to private citizens.

The minimum impact of the current strict liability policy is higher electric rates for those rural communities who live in close proximity to public lands. The possibility exists, however, of even more punitive impacts in the form of the loss of insurance coverage for entities with federal rights-of-way liability.

In my judgement, this legislation restores an appropriate balance to the shared responsibility of both the land manager and the utility in reducing the natural hazards along a right of way. As we saw in the Midstate case, because the Forest Service bears no exposure to costs associated with fire and risk prevention, the Forest Service simply did not allow the full use of measures to reduce those risks.

This legislation will not only benefit the state of Oregon. Utilities all through the United States have rights-of-way permits with our land management agencies. This proposal is of interest in states such as California, Idaho, Florida, Minnesota, Montana, Wyoming and Pennsylvania. I believe my proposal is fair and balanced legislation that protects our rural communities. I look forward to working with my colleagues and the Administration to perfect this legislation in the waning days of the 105th Congress.•

By Mr. BREAUX:

S. 2473. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for meal and entertainment expenses of small businesses; to the Committee on Finance.

TAX LEGISLATION

Mr. BREAUX. Mr. President, today I introduce a very important bill for

small businesses and the self-employed in Louisiana and throughout our country. My bill would restore the 80 percent deduction for business meals and entertainment expenses, thus eliminating a tax burden that has seriously hampered many small businesses in our country.

Small business is a powerful economic engine, both nationwide and in Louisiana. Small businesses have helped to create the prosperity that we have all enjoyed in the last few years. They are leaders in the innovation and technology development that will sustain our economy in the 21st century. Nationwide, small business employs 53 percent of the private work force, contributes 47 percent of all sales in the country, and is responsible for 50 percent of the private gross domestic product.

For these reasons, I believe the tax code should encourage, not discourage, small business development and growth. For the more than 225,000 self-employed and for the thousands of small businesses in Louisiana, business meals and entertainment take the place of advertising, marketing, and conference meetings. These expenses are a core business development cost. As such, a large percentage of these costs should be deductible.

For many years, businesses were allowed to deduct 100 percent of business meals and entertainment expenses. In 1987, this deduction was reduced to 80 percent. The deduction was further reduced in 1994 to 50 percent because of the misconception that these meals were "three martini lunches."

Contrary to this perception, studies show that the primary beneficiary of the business meal deduction is not the wealthy business person. Studies indicate that over two-thirds of the business meal spenders have incomes of less than $60,000 and 37 percent have incomes below $40,000. Low to moderately priced restaurants are the most popular types for business meals, with the average check equaling less than $20. In addition, 50 percent of most business meals occur in small towns and rural areas.

In 1995, just one year after the deduction was reduced to 50 percent, the White House Conference on Small Business established the restoration of the deduction as one of its top priorities for boosting small business. In Louisiana alone, it is expected that the positive economic impact of this proposal could exceed $67 million in industries, such as the travel and restaurant industry, that employ over 120,000 people. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2473

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

SECTION 1. SMALL BUSINESSES ALLOWED INCREASED DEDUCTION FOR MEAL AND ENTERTAINMENT EXPENSES.

(a) IN GENERAL.—Subsection (n) of section 274 of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR SMALL BUSINESSES.—

"(A) IN GENERAL.—In the case of any taxpayer which is a small business, paragraph (1) shall be applied by substituting 'the applicable percentage (as defined in paragraph (3)(B))' for '50 percent'.

"(B) SMALL BUSINESS.—For purposes of this paragraph, the term 'small business' means, with respect to expenses paid or incurred during any taxable year—

"(i) any corporation which meets the requirements of section 55(e)(1) for such year, and

"(ii) any partnership or sole proprietorship which would meet such requirements if it were a corporation."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1998.

By Mr. D'AMATO:

S. 2475. A bill to amend title IV of the Employee Retirement Income Security Act of 1974 to protect the rights of participants and beneficiaries of terminated pension plans; to the Committee on Labor and Human Resources.

PENSION PLAN PARTICIPANT PROTECTION ACT OF 1998

• Mr. D'AMATO. Mr. President, today I am introducing legislation to strengthen protections to retirees who, through no fault of their own, find themselves without a job or the pension they worked hard for because their company went under.

This situation happened in 1991 when Pan Am World Airways went out of business leaving 45,000 employees—15,000 of which reside in New York State—jobless and without their promised pensions. For the last seven years these hardworking Americans have fought a losing battle with the Pension Benefits Guaranty Corporation (PBGC) to get a fair benefit calculation and appeals process. In addition to former Pan Am employees, this issue affects hundreds of thousands of former employees of companies whose pension plans have been taken over by the PBGC.

Our senior citizens are a valuable resource to this country. Many of them are entitled to receive private pensions as a result of their loyal years of service to their employers. In 1974, the Employee Retirement Income Security Act (ERISA) was enacted to provide certain basic protections to retirees regarding their pensions.

In general, private employers are required to act as fiduciaries with respect to most of their activities in connection with their pension plans. Those fiduciaries are prohibited from commingling plan assets, must provide regular disclosure concerning plan assets and are required to act "solely in the interest" of the participants. Participants may bring suit, in Federal Court, if required information is not provided within 30 days of request. A participant may seek a determination of the amount of his or her benefit, in Federal Court, if the plan fails or refuses to render a determination as to the amount of benefit the participant is entitled to receive under the plan.

ERISA also created a Federal agency, the PBGC, to pay benefits to participants in pension plans who are unable to pay such benefits. PBGC functions as an insurer, collecting premiums from solvent plans and paying benefits to participants in failed plans. Since the enactment of ERISA, the PBGC has become the Trustee of plans involving more than one million participants.

While the PBGC does an admirable job with respect to its obligations to continue payments to participants in terminated plans, those participants do not enjoy the same legal protections guaranteed to all plan participants under ERISA. In general, PBGC performs its functions as a government agency and not as a fiduciary.

Mr. President, in plans trusteed by the PBGC, participants have no right to disclosure regarding the amount of their benefits and may not appeal an adverse determination until an appealable decision is rendered—which in many cases does not occur for more than ten years. Once issued, the PBGC decisions must be appealed within 45 days or a participant may lose all rights. If a determination is appealed, participants must follow a complicated and time consuming appeals process. Many of our senior citizens are confused and overwhelmed by this process and as a result, inadvertently surrender many valuable legal rights.

In addition, under current law, the PBGC is permitted to commingle funds from all of the retirement plans that it terminates and may use those retirement funds to pay for expenses of other plans as well as its general overhead expenses.

At a minimum, our senior citizens, in plans trusteed by the PBGC, need and deserve the same protections accorded to every other participant in a plan covered by ERISA. This bill restores some of those protections and requires that the PBGC issue an appealable decision within one year of the date the PBGC becomes the Trustee of a plan. The bill provides for the establishment of participants' committees to represent the interests of the participants and permits such committee to serve as Trustee of the terminated plan. Where more than one group seeks appointment as Trustee the federal courts would be required to select the Trustee that would best serve the interests of the participants.

My bill also establishes a participant advocates office to assist participants with explanations, benefits disputes and, if necessary, to appeal adverse determinations by the PBGC. In addition, the bill clarifies existing law, empowering the federal courts to remove a Trustee in the event the Trustee commits any breach of it fiduciary duty.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2475

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 "Pension Plan Participant Protection Act of 1998".

SEC. 2. DUTIES OF THE PENSION BENEFIT GUARANTY CORPORATION WHILE SERVING AS TRUSTEE OF TERMINATED PLAN.

(a) IN GENERAL.—Section 4042(d)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(d)(3)) is amended—

(1) by inserting "(A)" after "(3)"; and

(2) by adding at the end the following new subparagraphs:

"(B) The corporation is subject to the same requirements of reporting and disclosure in connection with a pension plan for which the corporation is serving as trustee pursuant to this section as those of any plan administrator of an employee pension benefit plan under part 1 of subtitle B of title I.

"(C) The corporation is subject to the same fiduciary duties in connection with a pension plan for which the corporation is serving as trustee pursuant to this section, including the determination and payment of plan benefits, as those of any fiduciary of an employee pension benefit plan under part 1 of subtitle B of title I. The corporation shall maintain such separate books and records and retain such separate counsel on its behalf as may be necessary for carrying out such duties.

"(D) For purposes of applying part 5 of subtitle B of title I in the enforcement of subparagraphs (B) and (C)—

"(i) any civil monetary penalty which may be assessed by the Secretary of Labor against the corporation under any provision of section 502(c) shall be assessed in the full amount specified in such provision,

"(ii) a civil action against the corporation as fiduciary under section 502(a)(2) for relief under section 409 may be brought by any affected party, and, in any such action by an affected party in which the corporation is removed as trustee, the replacement trustee shall be selected by the court from any list of qualified candidates which may be provided by such affected party, and

"(iii) any review under section 502 by a district court of the United States of a benefit determination by the corporation shall be de novo.

"(E) In any case in which the corporation serves as trustee for a terminated pension plan pursuant to this section, the corporation shall issue its final determination regarding any benefit payable under the plan not later than one year after the date of the corporation's appointment as trustee. Any failure by the corporation to comply with the requirements of this subparagraph shall be deemed an action of the corporation upon which a cause of action may be brought against the corporation under section 4003(f)(1).".

(b) CONFORMING AMENDMENT.—Section 4023 of such Act (29 U.S.C. 1323) is amended—

(1) by inserting "(a)" after "SEC. 4023."; and

(2) by adding at the end the following new subsection:

"(b) Subsection (a) shall not apply with respect to the corporation while the corporation is serving in its fiduciary capacity in accordance with section 4042(d)(3)(B).".

SEC. 3. PARTICIPANTS' COMMITTEES.

(a) IN GENERAL.—Subtitle C of title IV of the Employee Retirement Income Security Act of 1974 is amended by inserting after section 4048 (29 U.S.C. 1348) the following new section:

"PARTICIPANTS' COMMITTEES

"SEC. 4049. (a) IN GENERAL.—

"(1) APPOINTMENT OF COMMITTEE.—Except as provided in paragraph (3), as soon as practicable after the appointment of a trustee under section 4042, the trustee shall appoint a committee of participants under the plan.

"(2) REQUESTS FOR ADEQUATE REPRESENTATION.—On request of an affected party, the court may order the appointment of additional committees of participants if necessary to assure adequate representation of participants. The trustee shall appoint any such committee.

"(3) SMALL BUSINESSES.—On request of an affected party in a case in which the plan sponsor is a small business and for cause, the court may order that a committee of participants not be appointed.

"(b) MEMBERSHIP.—A committee of participants appointed under subsection (a) shall ordinarily consist of the persons, willing to serve, that were in pay status under the plan as of the date of the termination of the plan and have the seven largest nonforfeitable benefits under the plan, or of the members of a committee organized by participants before such date, if such committee was fairly chosen and is representative of the participants of the plan.

"(c) POWERS AND DUTIES OF COMMITTEES.—

"(1) APPOINTMENT OF ATTORNEYS, ACCOUNTANTS, ETC.—At a scheduled meeting of a committee appointed under subsection (a), at which a majority of the members of such committee are present, and with the court's approval, such committee may select and authorize the employment by such committee of one or more attorneys, accountants, or other agents to represent or perform services for such committee.

"(2) PRECLUSION OF CONFLICTS OF INTEREST.—An attorney or accountant employed to represent a committee appointed under subsection (a) may not, while employed by such committee, represent any other entity having an adverse interest in connection with the case. Representation of one or more participants of the same class as represented by the committee shall not per se constitute the representation of an adverse interest.

"(3) SPECIFIC POWERS.—A committee appointed under subsection (a) may—

"(A) consult with the trustee concerning the administration of the case,

"(B) investigate the aots, conduct, assets, liabilities, and financial condition of the plan, the operation of the plan sponsor's financial operations, and the desirability of the continuance of the plan, and any other matter relevant to the case,

"(C) participate in the formulation of the plan for distribution of plan assets, advise those represented by such committee of such committee's determinations as to any plan for distribution of the plan's assets, and collect and file with the court acceptances or rejections of the plan for distribution of plan assets,

"(D) request the court for the appointment of the committee or any other person as an alternative trustee, and

"(E) perform such other services as are in the interest of plan participants and beneficiaries.

"(4) MEETING WITH TRUSTEE.—As soon as practicable after the appointment of a committee under subsection (a), the trustee shall meet with such committee to transact such business as may be necessary and proper.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 4048 the following new item:

"Sec. 4049. Participants' committees.".

SEC. 4. TRUSTEESHIP OF TERMINATED PLANS.

(a) IN GENERAL.—Section 4042(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342(c)) is amended—

(1) by inserting "(1)" after "(c)"; and

(2) by inserting before paragraph (3) the following new paragraph:

"(2) The court may appoint the corporation, a participants' committee, or any other person to serve as trustee under paragraph (1). Upon the application of any two or more of the foregoing to serve as trustee, the determination of the court of which to appoint shall be based on its determination of which applicant is most qualified to carry out the fiduciary duties of the trustee with respect to participants and beneficiaries without conflicts of interest.".

(b) PAYMENT OR REIMBURSEMENT OF REASONABLE FEES AND EXPENSES.—Section 4042(h) of such Act (29 U.S.C. 1342(h)) is amended by adding at the end the following new paragraph:

"(3) The reasonable fees and expenses of a trustee appointed under this section (other than the corporation), of any participants' committee, and of any counsel, accountants, actuaries, and other professional service personnel shall be paid, directly or by means of reimbursement, from the assets of the terminated plan.".

SEC. 5. PARTICIPANT'S ADVOCATE.

(a) IN GENERAL.—Subtitle D of title IV of the Employee Retirement Income Security Act of 1974 is amended by adding after section 4071 (29 U.S.C. 1371) the following new section:

"OFFICE OF PARTICIPANT'S ADVOCATE

"(a) IN GENERAL.—The Secretary of Labor shall establish in the Department of Labor an Office of Participant's Advocate, to be headed by a Participant's Advocate.

"(b) FUNCTIONS.—The Participant's Advocate shall, upon request of participants of terminated pension plans—

"(1) counsel participants and beneficiaries of such plans in connection with their rights to benefits thereunder, and

"(2) provide legal representation before the corporation and in court to such participants who have been denied benefits by the corporation.

"(b) FEES.—The Office shall require only such fees for its services as may be prescribed in regulations of the Secretary of Labor.

"(c) STAFF.—The Participant's Advocate shall appoint such attorneys, actuaries, and accountants as may be necessary to assist the Participant's Advocate in carrying out the functions of the Office, and may appoint such additional personnel as may be necessary to provide adequate support for the Office.

"(d) NOTICE.—Each notice of a benefit determination issued by the corporation to a participant or beneficiary under a terminated pension plan shall include a notice (in such form as shall be prescribed in regulations of the Secretary of Labor) describing the services of the Participant's Advocate's Office.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 4071 the following new item:

"Sec. 4071. Office of Participant's Advocate.".

(c) EFFECTIVE DATE.—The Secretary of Labor shall establish the Office of Participant's Advocate pursuant to the amendments made by this section not later than one year after the date of the enactment of this Act.

SEC. 6. RULES GOVERNING TRUSTEESHIP BY THE CORPORATION.

(a) IN GENERAL.—Section 4042 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1342) is amended by adding at the end the following new subsection:

"(i) In any case in which the corporation serves as trustee of a terminated pension plan under this section—

"(1) the corporation shall segregate assets of the terminated plan from the assets of any other plan or any other assets held by the corporation,

"(2) the corporation may not use any assets of the plan for any purpose other than payment of benefits or reasonable administrative expenses directly attributable to the termination and administration of the plan, excluding any generally applicable overhead expenses of the corporation, and

"(3) the corporation shall obtain the services of independent contractors in connection with the termination or administration of the plan only through a competitive bidding process.".

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to plan terminations—

(1) the termination date for which occurs on or after January 1, 1990, and

(2) for which the final distribution of assets occurs on or after the date of the enactment of this Act.●

By Mr. ABRAHAM (for himself, Mr. HATCH, Mr. DEWINE, Mr. HUTCHINSON, and Mr. BROWNBACK):

S. 2476. A bill for the relief of Wei Jengsheng; to the Committee on the Judiciary.

WEI JENGSHENG FREEDOM OF CONSCIENCE ACT

● Mr. ABRAHAM. Mr. President, today I seek my colleagues' support for the Wei Jengsheng Freedom of Conscience Act. This bill will grant lawful permanent residence to writer and philosopher Wei Jengsheng, one of the most heroic individuals the international human rights community has known.

For years, Mr. President, Wei has stood up to an oppressive Chinese government, calling for freedom and democracy through speeches, writings, and as a prominent participant in the Democracy Wall movement. His dedication to the principles we hold dear, and on which our nation was founded, brought him 15 years of torture and imprisonment at the hands of the Chinese communist regime. Seriously ill, Wei was released only after great international public outcry. Now essentially exiled, he lives in the United States on a temporary visa and cannot return to China without facing further imprisonment.

Mr. President, granting Wei permanent residence will show that America stands by those who are willing to stand up for the principles we cherish. It also will help Wei in his continuing fight for freedom and democracy in China.

I woul like to thank Senators HATCH, DEWINE, HUTCHINSON, and BROWNBACK for cosponsoring this bill. I should note also that this legislation has been endorsed by important human rights groups such as Laogai Research Foundation and Human Rights in China.

I urge my colleagues to send a strong signal about America's commitment to human rights, human freedom, and the dignity of the individual by passing this bill to grant Wei Jengsheng lawful permanent residence in the United States.●

ADDITIONAL COSPONSORS

S. 1251

At the request of Mr. D'AMATO, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1251, a bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation.

S. 1252

At the request of Mr. D'AMATO, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1252, a bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation.

S. 1862

At the request of Mr. DEWINE, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1862, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 2098

At the request of Mr. CAMPBELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2098, a bill to preserve the sovereignty of the United States over public lands and acquired lands owned by the United States, and to preserve State sovereignty and private property rights in non-Federal lands surroundings those public lands and acquired lands.

S. 2141

At the request of Mr. CAMPBELL, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2141, a bill to require certain notices in any mailing using a game of chance for the promotion of a product or service, and for other purposes.

S. 2180

At the request of Mr. LOTT, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 2180, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify liability under that Act for certain recycling transactions.

S. 2233

At the request of Mr. CONRAD, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Michigan (Mr. ABRAHAM) were added as cosponsors of S. 2233, a bill to amend section 29 of the Internal Revenue Code of 1986 to extend the placed in service date for biomass and coal facilities.

S. 2295

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) 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. 2352

At the request of Mr. LEAHY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2352, A bill to protect the privacy rights of patients.

S. 2364

At the request of Mr. CHAFEE, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 2364, a bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965.

S. 2390

At the request of Mr. BROWNBACK, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2390, a bill to permit ships built in foreign countries to engage in coastwise in the transport of certain products.

S. 2432

At the request of Mr. JEFFORDS, the name of the Senator from North Carolina (Mr. FAIRCLOTH) was added as a cosponsor of S. 2432, A bill to support programs of grants to States to address the assistive technology needs of individuals with disabilities, and for other purposes.

At the request of Mr. FORD, his name was added as a cosponsor of S. 2432, supra.

S. 2460

At the request of Mr. LEVIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2460, a bill to curb deceptive and misleading games of chance mailings, to

provide Federal agencies with additional investigative tools to police such mailings, to establish additional penalties for such mailings, and for other purposes.

SENATE RESOLUTION 95

At the request of Mr. THURMOND, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of Senate Resolution 95, A resolution designating August 16, 1997, as "National Airborne Day."

SENATE RESOLUTION 257

At the request of Mr. MURKOWSKI, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of Senate Resolution 257, A resolution expressing the sense of the Senate that October 15, 1998, should be designated as "National Inhalant Abuse Awareness Day."

SENATE RESOLUTION 276—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD REIMBURSE THE AMERICAN TAXPAYER FOR COSTS ASSOCIATED WITH THE INDEPENDENT COUNSEL'S INVESTIGATION OF HIS RELATIONSHIP WITH MS. MONICA LEWINSKY

Mr. MURKOWSKI submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 276

Whereas, on January 17, 1998, President Clinton testified in a sexual harassment lawsuit brought by Paula Jones and denied a sexual relationship with a former White House intern Monica Lewinsky;

Whereas, President Clinton's personal lawyer, David Kendall, stated on September 13, 1998 that the President "absolutely" sought to mislead Ms. Jones's lawyers in the January 17 deposition;

Whereas, during a January 26, 1998 White House news conference, President Clinton stated, "I did not have sexual relations with that woman, Ms. Lewinsky";

Whereas, President Clinton invoked Executive Privilege in an effort to limit grand jury questioning of aides Bruce Lindsey, Sidney Blumenthal, Cheryl Mills, Nancy Hernreich and Lanny Breuer;

Whereas, none of President Clinton's claims of Executive Privilege were ever supported by the courts;

Whereas, on May 22, a federal judge denied a previous motion by the President to prevent Secret Service agents from being compelled to testify before a grand jury;

Whereas, on July 7, 1998, a federal appeals court denied the President's appeal and ruled that Secret Service employees must tell the grand jury what they observed by guarding the President;

Whereas, on July 29, 1998, President Clinton agreed to testify from the White House in response to a subpoena issued by the Independent Counsel's office;

Whereas, on August 17, 1998, President Clinton testified before a grand jury and made an address to the nation admitting "an improper relationship" with Monica Lewinsky;

Whereas, the President has unnecessarily and improperly prolonged the investigation of Independent Counsel Kenneth Starr;

Whereas, the President knowingly provided inaccurate information in a sworn deposition and in public statements about his relationship with Monica Lewinsky;

Whereas, the President invoked improper claims of Executive Privilege, attorney-client privilege and Secret Service privileges: Now, therefore, be it

Resolved, That

(1) it is the sense of the Senate that President Clinton has unnecessarily delayed the investigation of the Independent Counsel, and

(2) President Clinton should reimburse the American taxpayer for the costs associated with the Independent Counsel's investigation of his relationship with Ms. Lewinsky.

Mr. MURKOWSKI. Mr. President, last Friday, Congress and the American people were finally able to read the 445-page report on the investigation of the independent counsel, Judge Kenneth Starr. It is now, of course, the constitutional duty of the House of Representatives to review that report and determine whether the articles of impeachment, censure, or whatever action, are indeed warranted against the President.

I rise today not to discuss that specific issue of impeachment or censure, but I rise today to discuss the issue of equity. For the last 7 months, due to the actions of the President—and I might add, the President alone—substantial costs have accumulated as a result of the President's intentional strategy. And that strategy is to delay and thwart the investigations of Judge Kenneth Starr.

Mr. President, I think it is the duty of this body to discuss and reflect on the cost that has been borne by the American public as a result of the calculated deception that has gone on for the last 7 months. Certainly, it has been evidenced by the report that it was a deception, a deception to cover up and delay. It is clear that after the President testified on January 17 in Paula Jones' sexual harassment lawsuit that the President began a calculated plan to mislead and basically deceive the independent counsel and the American public with his "legally accurate" testimony in the Jones case.

Indeed, when the President's attorney, David Kendall, was asked yesterday if the President was purposely attempting to mislead the attorneys for Paula Jones during his sworn deposition, he replied "absolutely."

Mr. President, it has been 7 months now, 7 months since President Clinton sought to prevent the independent counsel from determining the veracity of his statements. Despite the fact that the Clinton administration issued a statement in 1994 that the administration would not invoke executive privilege for any personal wrongdoings, the President withdrew and reasserted claims of executive privilege on five specific occasions. These claims were warrantless and served as nothing more than a delay tactic. In fact, not one of the claims of executive privilege was found by a court of law to be justified.

As a result of the President's plan for public deception—I hate to use that word, but I can't put it in any other term—and certainly delay, the investigation of independent counsel Starr was unnecessarily prolonged for approximately 7 months, despite the fact that the President, in January of 1998, promised, promised, the Congress and the American public to cooperate fully with the investigation.

Lastly, the President refused six invitations to voluntarily testify before the independent counsel's grand jury. It was only when he was faced with the subpoena and the result of the DNA test and the reality that the tests would soon be completed that the President finally appeared before the grand jury.

Where are we? What does all this really mean? It means that for more than 7 months, President Clinton has pursued a strategy of deceiving the American people and the Congress and purposely delayed and impeded the independent counsel's investigation. The cost of the President's campaign of delay and deception totals nearly $4.4 million.

I ask unanimous consent the letter from the Office of the Independent Counsel be printed in the RECORD.

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

OFFICE OF THE INDEPENDENT COUNSEL,
Washington, DC, September 11, 1998.

Mr. DAVID L. CLARK,
Director, Audit Oversight and Liaison, U.S. General Accounting Office, Washington, DC.

DEAR MR. CLARK: This is in response to Senator Frank Murkowski's letter to you dated September 3, 1998, requesting certain costs incurred by this Office relating to the Monica Lewinsky investigation. In your meeting with personnel in our Office on September 4, 1998, we agreed to provide you with answers to the Senator's questions as accurately as possible. As we mentioned in that meeting, our financial accounting system does not categorize costs by case, or project. Therefore, we determined the cost by estimating the time spent on the Lewinsky investigation by all staff members. Further, the Lewinsky portion of certain general costs was allocated based on those estimates.

The enclosed spreadsheet displays a Summary of Expenses relating to the Lewinsky investigation. The expenses are categorized in the same manner as our Financial Statements shown in GAO's audit reports. Work on the Lewinsky investigation continues today and many members of our staff are still working on this matter. For purposes of this request, we chose to account for costs recorded through August 31, 1998. Subsequent costs have not yet been recorded. To include them here would decrease the accuracy of the costs we have computed. Should the Senator request costs after August 31, we will certainly update the enclosed Summary.

In response to question 1 of Senator Murkowski's letter: for the period January 15 through August 31, 1998, Lewinsky-related investigation costs for personnel compensation and benefits (including employees and

detailees) are $1,861,456. Contract Services (including consultants) costs are $884,110. Most incumbent members of this Office have devoted more than 50% of their time to the Lewinsky matter. Many staff members over the past eight months, both old and new, have worked considerable overtime hours, most of which were related to the Lewinsky investigation and many were for uncompensated attorney-hours.

Question 2 of the letter requests the cost of witnesses associated with the Lewinsky investigation. These costs amount to $13,841, which is included in the Summary, under various categories.

Question 3 of the letter, Lewinsky-related travel costs, is shown in the Summary as $949,895.

Should you or the Senator's office have any questions about the estimate, please call Paul Rosenzweig or me at 202-514-8688.

Sincerely,

JACKIE M. BENNETT, JR.,
Deputy Independent Counsel.

Attachment

SUMMARY OF EXPENSES RELATING TO MONICA LEWINSKY

[Jan. 15–Aug. 31, 1998]

Category of expense	Lewinsky related expenses
Personnel Compensation and Benefits	$1,861,456
Travel Costs	949,895
Rent, Communications and Utilities	356,494
Contractual Services	884,110
Supplies and Services	82,653
Capital Equipment	186,021
Administrative Services	73,294
Total	4,393,923

Note: The expenses shown above do not include other costs allocated to this Office by the General Accounting Office (GAO). Certain administrative costs incurred by the Administrative Office of the U.S. Courts (AOUSC) are periodically charged to this Office. The amount of this charge for the period in question is not available (for the six-month period ending March 31, 1998, the amount was approximately $121,700).

Additionally, payroll costs of FBI personnel assigned to this Office are paid by their agency, and therefore are not included in the above expenses.

Mr. MURKOWSKI. That letter that has just been made part of the RECORD is highlighted here relative to the detailed expense associated with the Monica Lewinsky incident, expenses from January 15 to August 31, 1998, including categories of expenses relative to personal compensation, travel costs, contractual services, supplies, capital equipment, administrative services. The total is $4.3 million, roughly $4.4 million. That is the cost to the American taxpayer.

The question that I brought up earlier was one of equity. Equity demands the costs of the delays should be borne by the President and not the taxpayers of this country.

I ask that my colleagues support me in the resolution that I have submitted which would require the President to reimburse the American taxpayers for the expenses that resulted from the delays of the investigation, the delays that were initiated and caused directly by the President.

My colleagues should note that this resolution is not unprecedented. We, in Congress, have required Members under investigation by the Ethics Committee to reimburse the committee for the costs of the investigation. The same standard should apply in the case of the President of the United States.

SENATE RESOLUTION 277—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE IMPORTANCE OF DIPLOMATIC RELATIONS WITH THE PACIFIC ISLAND NATIONS

Mr. INOUYE (for himself, Mr. AKAKA, Mr. STEVENS, Mr. HATCH, Mr. BYRD, Mr. THOMAS, Mr. HOLLINGS, Mr. ROTH, Mr. FORD, Mrs. BOXER, Mr. MURKOWSKI, and Mr. SESSIONS) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 277

Whereas the South Pacific region covers an immense area of the earth, approximately 3 times the size of the contiguous United States;

Whereas the United States seeks to maintain strong and enduring economic, political, and strategic ties with the Pacific island countries of the region, despite the reduced diplomatic presence of the United States in the region since World War II;

Whereas Pacific island nations wield control over vast tracts of the ocean, including seabed minerals, fishing rights, and other marine resources which will play a major role in the future of the global economy;

Whereas access to these valuable resources will be vital in maintaining the position of the United States as the leading world power in the new millennium;

Whereas Asian countries have already recognized the important role that these Pacific island nations will play in the future of the global economy, as evidenced by the Tokyo summit meeting in October 1997 with various Pacific island heads of state;

Whereas the Pacific has long been regarded as one of the "last frontiers", with an enormous wealth of uncultivated resources; and

Whereas direct United States participation in the human and natural resource development of the South Pacific region would promote beneficial ties with these Pacific island nations and increase the possibilities of access to the region's valuable resources: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is in the national interest of the United States to remain actively engaged in the South Pacific region as a means of supporting important United States commercial and strategic interests, and to encourage the consolidation of democratic values;

(2) a Pacific island summit, hosted by the President of the United States with the Pacific island heads of government, would be an excellent opportunity for the United States to foster and improve diplomatic relations with the Pacific island nations;

(3) through diplomacy and participation in the human and natural resource development of the Pacific region, the United States will increase the possibility of gaining access to valuable resources, thus strengthening the position of the United States as a world power economically and strategically in the new millennium; and

(4) the United States should fulfill its longstanding commitment to the democratization and economic prosperity of the Pacific island nations by promoting their earliest integration in the mainstream of bilateral, regional, and global commerce and trade.

• Mr. INOUYE. Mr. President, it is with great pleasure that I rise today, along with Mr. AKAKA, Mr. STEVENS, Mr. HATCH, Mr. BYRD, Mr. THOMAS, Mr. HOLLINGS, Mr. ROTH, Mr. FORD, Mrs. BOXER, Mr. MURKOWSKI and Mr. SESSIONS to submit the Pacific Island Summit Resolution.

Since the end of World War II, the U.S. has lacked a strong diplomatic policy and presence in the Pacific Region. This has become more prevalent in recent years. Often characterized as a policy of "benign neglect," the current situation is insufficient to continue the role of the U.S. as the leading world power as we enter the new millennium.

The Pacific region covers an immense area of the Earth, approximately three times that of the contiguous United States. Increasing enforcement of treaties demarcating exclusive economic zones are revealing Pacific Island countries that wield control over vast tracts of the ocean, marine fisheries and undersea minerals; resources that will play a major role in the future of the global economy.

As natural resources around the world dwindle, access to the relatively untapped resources in this region of the world will become increasingly important. The U.S., as the leading world power, should seek to maintain strong ties to this region. By cultivating diplomatic relationships with these leaders today, we foster strong economic ties tomorrow.

In October 1997, then-Prime Minister Hashimoto held a summit meeting in Tokyo, Japan with various Pacific Island heads of state. Clearly, Japan is aware of the unlimited potential of this region, its valuable resources, and the importance of gaining access to them. It is economically and strategically important that we not stand idly by while other countries step into the vacuum created by the present U.S. policy.

This resolution, Mr. President, encompasses all of these ideas in expressing the sense of the United States Senate that a summit meeting between the President and leaders from the Pacific region would be an excellent opportunity for the U.S. to strengthen its position economically and strategically. These Pacific Islands in return will be provided the rare opportunity to share their interests, visions for the future, and concerns with the leader of the world's most powerful democracy. It is my sincere belief that this summit will rebuild a foundation neglected since the end of World War II and be the beginning of a mutually beneficial relationship between the U.S. and this great region.

Congressman ENI FALEOMAVAEGA introduced similar legislation in the House of Representatives, which speaks to the importance of developing and maintaining close diplomatic and economic ties with the Pacific and that a Pacific Island Summit would aid the U.S. considerably in attaining this goal. It is my hope that this legislation

will be considered and approved in both chambers expeditiously.●

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

BUMPERS (AND OTHERS) AMENDMENT NO. 3591

Mr. BUMPERS (for himself, Mr. FEINGOLD, and Ms. LANDRIEU) 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:

Strike line 19 on page 55 through line 6 on page 58.

ENZI (AND OTHERS) AMENDMENT NO. 3592

Mr. ENZI (for himself, Mr. SESSIONS, Mr. LUGAR, Mr. BROWNBACK, Mr. ASHCROFT, Mr. GRAMS, Mr. INHOFE, Mr. BRYAN, and Mr. REID) proposed an amendment to the bill, S. 2237, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION.

(a) Notwithstanding any other provision of law, prior to October 1, 1999, the Secretary of the Interior shall not—

(1) promulgate as final regulations, or in any way implement, the proposed regulations published on January 22, 1998, at 63 Fed. Reg. 3289; or

(2) issue a notice of proposed rulemaking for, or promulgate, or in any way implement, any similar regulations to provide for procedures for gaming activities under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.), in any case in which a State asserts a defense of sovereign immunity to a lawsuit brought by an Indian tribe in a Federal court under section 11(d)(7) of that Act (25 U.S.C. 2710(d)(7)) to compel the State to participate in compact negotiations for class III gaming (as that term is defined in section 4(8) of that Act (25 U.S.C. 2703(8))).

(b) CLASS III GAMING COMPACTS.—

(1) IN GENERAL.—

(A) PROHIBITION ON APPROVING COMPACTS.—Prior to October 1, 1999, the Secretary may not expend any funds made available under this Act, or any other Act hereinafter enacted, to prescribe procedures for class III gaming, or approve class III gaming on Indian lands by any means other than a Tribal-State compact entered into between a state and a tribe, on or after the enactment of this Act.

(B) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to prohibit the review or approval by the Secretary of a renewal or revision of, or amendment to a Tribal-State compact that is not covered under subparagraph (A).

(2) NO AUTOMATIC APPROVAL.—Prior to October 1, 1999, notwithstanding any other provision of law, no Tribal-State compact for class III gaming, other than one entered into between a state and a tribe, shall be considered to have been approved by the Secretary by reason of the failure of the Secretary to approve or disapprove that compact.

(c) DEFINITIONS.—The terms "class III gaming", "Secretary", "Indian lands", and "Tribal-State compact" shall have the same meaning for the purposes of this section as those terms have under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

ASHCROFT AMENDMENT NO. 3593

Mr. ASHCROFT proposed an amendment to the bill, S. 2237, supra; as follows:

Beginning on page 109, strike line 21 and all that follows through line 18 on page 110 and insert the following:

"Notwithstanding any other provision of this Act, the amount available under the heading 'National Park Service, Operation of the National Park Service' under title I shall be $1,325,903,000.".

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet during the session of the Senate on Wednesday, September 16, 1998, at 10 a.m., to conduct a business meeting, to mark up the following bills: S. 1771, to amend the Colorado Ute Indian Water Rights Settlement Act; and S. 1899, Chippewa Cree of the Rocky Boy's Reservation Indian Reserved Water Rights Settlement Act of 1998; to be followed immediately by a confirmation hearing on the nomination of Montie Deer, to be Chairman of the National Indian Gaming Commission. The hearing will be held in room 485 of the Russell Senate Office Building.

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 two days of hearings entitled "Improving The Safety of Food Imports." The hearings will focus on legislative, administrative and regulatory remedies for the weaknesses previously identified in the subcommittee's safety of food imports investigation. The subcommittee will hear from various Members of Congress, Government agencies, as well as industry and interest groups.

These hearings will take place on Thursday, September 24 and Friday, September 25, 1998, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Timothy J. Shea of the subcommittee staff at 224-3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Tuesday, September 15, 1998, at 10 a.m., in open session, to consider the nominations of Bernard D. Rostker, to be Under Secretary of the Army; James M. Bodner, to be Deputy Under Secretary of Defense for Policy; and Vice Adm. Dennis C. Blair, USN, for appointment to the grade of admiral, and to be Commander in Chief of U.S. Pacific Command.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 15, 1998, at 9:30 a.m., on the nominations of Robert Brown, John Paul Hammerschmidt, and Norman Mineta to be members of the Metropolitan Washington Airports Authority.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, September 15, 1998, at 2:30 p.m., on S. 2390—Freedom to Transport Act.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 15, 1998, at 10 a.m., and 2:15 p.m. to hold two hearings.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources and the House Committee on Education and the Workforce be authorized to meet in conference on H.R. 6, the Higher Education Act amendments of 1998 during the session of the Senate on Tuesday, September 15, 1998, at 2 p.m.

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

COMMITTEE ON SMALL BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for a markup of bills pending before the committee. The markup will begin at 9:30 a.m., on Tuesday, September 15, 1998, in room 428A, Russell Senate Office Building.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Senate Judiciary Committee, be authorized to meet during the session of the Senate on Tuesday, September 15, 1998, at 10 a.m., to hold a hearing in room 226, Senate Dirksen Office Building, on "Consolidation in the Telecommunications Industry: Has it Gone Too Far?"

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

ADDITIONAL STATEMENTS

TRIBUTE TO 10-YEAR ANNIVERSARY OF FLORIDA-ISRAEL INSTITUTE

• Mr. GRAHAM. Mr. President, as we approach a new century, we find ourselves in a year of multiple milestones. This year, the world celebrates the 50th anniversary of the founding of the State of Israel, and we also congratulate the pioneering Florida-Israel Institute on its 10-year anniversary.

The Florida-Israel Institute, created by the Florida Legislature in 1988 to expand ties with Israel, has been a success by any measure:

Catalyst. Now 23 other states have official links with Israel. Florida set the pace, and its Florida-Israel Institute continues to serve as a model for the rest of the nation.

Trade boom. Total trade between Florida and Israel tripled between 1987 and 1996, with dramatic increases in exports from Florida to Israel and imports from Israel, according to federal statistics.

Cultural bridge. The Florida-Israel Institute brings Israel to Florida and Florida to Israel, via the arts, business, academia and research on topics of mutual interest that include agriculture and the environment.

Examples span the spectrum of the human experience. The Institute brought Israeli jazz pianist Liz Magnes to Florida, and sent Florida professors to Israel and Jordan. It helped sponsor the one-woman show "Nomi" at the University of Central Florida, and sent Florida business leaders to Israel.

A premier feature of the Florida-Israel Institute is scholarship. The Institute carries out the time-honored precept that knowledge is a key to human understanding and a powerful weapon against fear and hate.

The Florida-Israel Institute just awarded scholarships to 57 Israeli students for the 1998–99 academic year. These students will study on campuses throughout Florida, enriching campus life for all and then serving as ambassadors for life, linking Florida and Israel. The Institute—co-hosted by Florida Atlantic University and Broward Community College—has strong roots in education.

As a repeat visitor to the Middle East, I know there is no substitute for first-hand experience in understanding the challenges facing Israel. My wife, Adele, and I were honored to return to Israel this year to help celebrate the 50th anniversary.

Likewise, the Florida academics, entrepreneurs and civic leaders who visit Israel—thanks to the Florida-Israel Institute—bring back a keener understanding and a deeper appreciation of our special relationship with our ally State, Israel.

On this special 10-year milestone, I call on my colleagues to join me in saluting the founders, managers and advisory board of this exemplary public-private partnership: the Florida-Israel Institute.•

TRIBUTE TO THE ARGUS CHAMPION

• Mr. GREGG. Mr. President, Not too many businesses last a generation or two, much less for 175 years, but the Argus Champion seems to be Energizer Bunny of the newspaper business. This longevity, which is rare, is due primarily to its commitment to the local community. The Argus Champion has served its community well by providing local news and national news of interest. As a result, the Argus Champion has developed a loyal following in its hometown of Newport and the surrounding areas.

Although the paper has had numerous owners, editors, reporters, and staff over the years, the Argus Champion has consistently published a high-quality newspaper that reflects New Hampshire's traditions and heritage. The paper also has changed with the times, switching to color formats in 1997 and expanding news coverage in surrounding areas in an effort to bring a better product to more Granite Staters.

In many ways, our local newspaper is the chronicler of the times, printing important stories about the local community and the people who live in it. The Argus itself recognizes this special role, and each week offers to its readers a variety of local historical information through a feature column. We look forward to seeing pictures of our neighbors and their children volunteering to raise money for a worthwhile cause, or participating in the Boys and Girls Scouts and the Little League Baseball team. We also value our local paper for all of the announcements about milestones in our lives, including weddings, births, deaths, promotions, and others. We also appreciate the political coverage provided to the community as it helps the voters make informed decisions in the ballot booth and understand how the actions of their elected officials affect their everyday lives.

The Argus Champion has brought the community together by focusing on local news and it is that tradition that we celebrate today on the 175th Anniversary of the paper's beginning. A warm congratulations to all of those who have contributed to the success of the Argus Champion and best wishes for the future.•

TRIBUTE TO SISTER MARY MERCIA MORAN, R.S.M.

• Mr. REED. Mr. President, I rise to pay tribute to an outstanding woman in Rhode Island, Sister Mary Mercia Moran, R.S.M., who is celebrating her 50th year as a Religious Sister of Mercy.

Originally from New York City, Sister Mary Mercia entered the Religious Sisters of Mercy in Providence on September 8, 1948. She made her Final Profession on August 15, 1954. Sister Mary Mercia has dedicated her life to educating the children of the Diocese of Providence. Since 1951, she has taught at several schools including: St. Patrick in Providence, St. Matthew in Cranston, St. Mary in Pawtucket and St. Brendan in East Providence. Since 1967, Sister Mary Mercia has been teaching Second Grade at Sacred Heart School in East Providence.

I was fortunate enough to be her student at St. Matthew's School. She was, and is, an inspiring, demanding, and nurturing teacher. Generations of Rhode Island children have prospered because of her faithful dedication.

Mr. President, I ask my colleagues to join me in commending Sister Mary Mercia for her many contributions to the children of Rhode Island and selfless dedication to helping others. •

MARRIAGE PENALTY TAX

• Mr. FAIRCLOTH. Mr. President, I rise today to urge my colleagues to support the elimination of the marriage penalty tax. Our nation has recently witnessed violent assaults on children at school, an explosion of sexually explicit material on television and the Internet, and increasingly plentiful and inexpensive drugs. Now more than ever, our nation needs strong families.

Unfortunately, our tax code encourages just the opposite. It discourages marriage and places an undue financial burden on couples, simply for being married. According to the Congressional Budget Office, 21 million married couples paid an average of $1,400 more in income taxes in 1996 than they would have if they were single. This "marriage penalty" is immoral and patently unfair. We are sending the wrong message to the American people, and it's time for Congress to take action.

Mr. President, I urge my colleagues in the Senate to support the elimination of the marriage penalty tax as the centerpiece of upcoming tax legislation.•

COMMEMORATION OF SEPTEMBER'S HEALTH-RELATED EVENTS

• Mr. GRAMS. Mr. President, I rise today to highlight National Caregivers Day.

As such, I wanted to show my appreciation to those who work so hard to meet the needs of the mentally and physically disabled, the elderly, and the terminally ill. Our nation is blessed to have individuals motivated by a caring and giving attitude toward others.

Indeed, there are roughly 1.6 million elderly and disabled people in our nation receiving care in one of approximately 16,800 facilities throughout the country and countless others providing in-home assistance. These thousands of individuals live each day loving, nurturing, and supporting those entrusted to their care and on behalf of the United States Senate, I want to say thank you.

Mr. President, I would also like to recognize other health-care related commemorations in the month of September: National Rehabilitation Week, Mental Health Workers Week, National Vision Rehabilitation Day, and Deaf Awareness Week.

National Rehabilitation Week, September 13–19, gives us an opportunity to commend the nearly 43 million people with disabilities in America who daily display their courage and determination. It also calls to our attention the unmet needs of our nation's disabled citizens.

Mental Health Workers Week is set aside for us to thank those who have dedicated their talents to improving the mental health of our nation. Nearly half of all Americans between the ages of 15 and 54 experience a psychological disorder during their lifetime. Psychiatrists, psychologists, licensed clinical social workers, and others are there every day to help those Americans who are experiencing problems pick up the pieces and move forward with their lives—truly important work.

September 16 is National Vision Rehabilitation Day, which recognizes the tremendous lack of understanding we have of vision loss and the lack of availability of vision rehabilitation services. National Vision Rehabilitation Day gives us the chance to promote aggressive education and treatment for people with vision problems. As the baby boom generation moves into the retirement years, we need to begin learning how to deal with serious eye diseases like macular degeneration, which currently affects thousands of people and about which—when it comes to causes and treatment—we know very little.

Finally, Mr. President, I would like to recognize Deaf Awareness Week and the opportunity it provides to recognize the deaf culture experienced by nearly one million Americans. Most people don't know that American sign language is the third most widely used language in America, and that Washington, D.C. is home to the only deaf university in the world, Gallaudet University. Deaf Awareness Week allows us to discover the significant contributions offered by individuals who happen to be deaf.•

TRIBUTE TO AL BEAUCHAMP

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to a true public servant, a dedicated husband and father, a Rutland, Vermont community leader, and a friend. I rise today to pay tribute to Al Beauchamp, who passed away on September 5, at the age of 72.

The eloquent editorial printed in the Rutland Daily Herald on Tuesday, September 8, expresses best how much Al meant to the community of Rutland, and to the entire State of Vermont. I ask that the text of that editorial be included in the RECORD.

[From the Rutland Daily Herald, Sept. 8, 1998]

AL BEAUCHAMP

Alfred J. Beauchamp of Rutland, who died on the weekend at the age of 72, was one of those citizens who do a great deal of work for a community but in such a quiet way that many others in the community aren't aware of what he has accomplished.

Whether it was in business, in civic work or in politics, he was a master craftsman at achieving consensus and getting things done.

His Rutland High School yearbook entry (Class of 1944) gave a pretty good preview of what his career would be like. With the high school nickname of "Al-bo" the notation takes up 17 lines of participation from freshman to senior years for Alfred Joseph Beauchamp. Some examples:

"Class president, 2,3; orchestra, 1,2,3,4; pit orchestra, 2,3,4; band, 1,2,3,4; president of band, 3; Student Council, 1,2,3,4; Student Council president, 4; home room president, 1; home room basketball, 1,2,3,4; National Honor Society, 3,4; varsity basketball, 4; varsity track, 3; all-state band, 1,2,4."

There are a number of other entries in the list, but the citations give an indication of very active participation in the school community, a proclivity for community work that was to continue throughout his life.

In 1944, the year Al Beauchamp graduated from high school, the involvement of the United States in World War II was reaching its climax. In those days, every able-bodied male who reached the age of 18 knew what was in his immediate future—he would be taken into the military. The only question was whether the call would come in the July or August after high school graduation.

Al Beauchamp didn't wait for the draft. He joined the Merchant Marine, and in the course of his service was in a number of wartime convoys.

After that there was college, entering the insurance business, a family, and innumerable civic activities like the local Chamber of Commerce, where he eventually became president, and the United Way, to name just two.

As a member of the state Senate from Rutland County, Al Beauchamp served two terms. He was also a trustee of his alma mater, the University of Vermont, and was a member of several other state boards.

At the end of his second Senate term there were a number of people in Rutland, including the late publisher of the Herald, Robert W. Mitchell, who felt he could be in line to go on to be lieutenant governor, and eventually advance even further.

But there was no question at the time, as is still the case today, that continued involvement in politics means more and more time spent away from close ties with family, so he chose not to continue in that line.

True to his nature, he put family and community above personal ambition. That was Al Beauchamp all the way.•

LEADER'S LECTURE SERIES

Mr. GORTON. Mr. President, I remind all Members that the leader's lecture series will begin promptly at 6 p.m.—that is about 1 minute from now—this evening in the Old Senate Chamber. Senator ROBERT C. BYRD will be the guest speaker for this evening's lecture.

ORDERS FOR WEDNESDAY, SEPTEMBER 16, 1998

Mr. GORTON. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., on Wednesday, September 16. I further ask unanimous consent that when the Senate reconvenes on Wednesday, 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 further ask unanimous consent that the Senate then resume consideration of the Interior appropriations bill.

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

Mr. GORTON. Mr. President, I ask unanimous consent that after the clerk reports the Interior bill, Senator BOXER be immediately recognized to offer an amendment regarding oil royalties; further, that there be 3 hours for debate on the amendment, equally divided, prior to a motion to table. Finally, I ask that no amendments be in order to the Boxer amendment prior to the tabling vote.

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

Mr. GRAHAM. Mr. President, was that a unanimous consent request?

The PRESIDING OFFICER. It was.

Mr. GRAHAM. Without the intention of objecting, I ask if in that list of amendments, at some point after the amendment of the Senator from California, you will consider adding an amendment by Senator MACK and myself to the list?

Mr. GORTON. Mr. President, there is nothing in this unanimous consent

agreement that interferes with that. This just sets up the very first one. We will go back and forth, and I will certainly honor the request of the Senator from Florida.

Mr. GRAHAM. If the second or third amendment on that list can be Senator MACK's and my amendment.

Mr. GORTON. We went back and forth between the two sides. If the Senator would like to be after the next Republican amendment, I will be happy to set that up.

Mr. GRAHAM. After the next Republican amendment after the Boxer amendment.

Mr. GORTON. Right.

PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, tomorrow the Senate will resume debate on the Interior appropriations bill, with Senator BOXER recognized to offer an amendment regarding oil royalties with 3 hours for debate. At the conclusion or yielding back of time, the Senate will proceed to vote on a motion to table the Boxer amendment.

Following that vote, it is expected further amendments to the Interior bill will be offered and debated. Therefore, Members should expect rollcall votes throughout Wednesday's session in relation to the Interior bill or any other legislative or executive business cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GORTON. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6 p.m., adjourned until 9:30 a.m., Wednesday, September 16, 1998.

HOUSE OF REPRESENTATIVES—*Tuesday, September 15, 1998*

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 15, 1998.

I hereby designate the Honorable DAN MILLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

CONGRATULATIONS TO THE GREENVILLE TAR HEEL LITTLE LEAGUE ALL STARS

Mr. JONES. Mr. Speaker, I grew up in Farmville, North Carolina, playing Little League Baseball. In fact, it is one of my favorite childhood memories. Little League helped me to learn early in life the importance of responsibility, trust and teamwork. It continues to do the same today for 14 boys from Greenville, North Carolina, and the nearly 3 million young men and women who participate in Little League Baseball worldwide.

In August, 14 young men, members of the Greenville Tar Heel All Stars, brought together a community, and in doing so they brought excitement and hope to the citizens of North Carolina.

Each summer, from the time Little League Baseball held its first World Series in 1947, young men and women have dreamed of reaching the U.S. finals. This dream came true for the Greenville Tar Heel All Stars.

Last month the team from the Third District of North Carolina traveled to Pennsylvania to compete for the World Series title. This marked the first time since 1952 that a team from North Carolina has made it to the World Series. After a week of competition, I am proud to congratulate the Tar Heel team for finishing second in the Nation to the world champion team from Toms River, New Jersey. This is an outstanding achievement for the Greenville All Stars, whose motivation and dedication helped them reach their goal and perform as true champions.

Being home during the August recess, I had the opportunity to see several of these games on TV. As it always seems to happen when young people excel, the community of families, friends and fans rallied together to support the hard work and dedication of the young team that came to serve as examples for us all.

To the Greenville All Stars, the world champion Toms River team and all Little League teams, congratulations. You performed as true winners. And to the 14 members of the 1998 Greenville Little League team, Richard Barnhill, Sam Byrum, Taylor Gagnon, Zachary Garris, Justin Hardee, Kevin Hodges, Jordan Lee, Michael Lilley, Brack Massey, Jon-Durham Morgan, Shelton Nelson, Patrick Warrington, Alex White, Brandon Brown; and coaches Mason Lilley, Randy White, Greg Benner, Pete Carraway; Manager Wayne Hardee and Commissioner Lynn Cherry, congratulations. You have made North Carolina proud.

The achievements of the Greenville Tar Heels on the regional and state level created a wave of excitement that brought together the citizens of Pitt County and all of North Carolina to support and celebrate in their success. The boys' hard work and winning attitude filled us with a sense of pride as we cheered on the hometown team.

Participating in a team sport like baseball can teach children some of the most important values they will learn in life, responsibility, hard work and the importance of working together. Little League Baseball also works to instill character and courage in today's youth. In fact, the Little League pledge is this:

"I trust God. I love my country and will respect its laws. I will play fair and strive to win. But win or lose, I will always do my best."

These are ideals that are important to remember at any stage of life. The Greenville Tar Heel Little League team played well, and in the eyes of all North Carolinians they are winners. Not only did they succeed on the field, but they succeeded in bringing together and strengthening the community that watched, cheered and shared in their achievement. Through their success, we have all learned that with hard work, dedication and the support of family and friends, success is within the reach of all who wish to achieve it.

The Greenville All Stars brought pride to our community and will forever remain winners in our hearts and in our minds. Congratulations.

REPAYING THE SOCIAL SECURITY TRUST FUND

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

Mr. ADAM SMITH of Washington. Mr. Speaker, in the early part of this decade, no problem seemed more unsolvable than the problem of our growing Federal deficit. It was at over $200 billion at that point, projected to hit $300 billion in rapid succession, and projected by the end of the decade to be well over $500 billion. Now, fortunately, we began to head in the right direction at that point and were actually almost in a position to get to a balanced budget.

That is the good news. The bad news is that we are now looking like we are going to snatch defeat from the jaws of victory.

The biggest part of this problem comes from the talk that we have heard here recently about a surplus. I hear my colleagues talking about it, I see it on television, I even hear it in my local press, that there is going to be a $1.6 trillion surplus over the next 10 years.

The only problem with that is it is not really true. We are not going to have a $1.6 trillion surplus, and the talk about that surplus I find very disturbing, because it puts us in a position to back away from our commitment to a balanced budget. It gives us the illusion that we have money that we do not have, and I fear that it is going to get us to the point where we are not going to get to the balanced budget that we have worked so hard for over the past 7 or 8 years.

It is important to explain these figures. So if we are not going to have a $1.6 trillion surplus, why are so many people saying we are going to have a $1.6 trillion surplus? It is because they

count the money that we borrow from Social Security as income. It is just an unusual way of accounting that they do back here in Washington, D.C.

Somehow, if we borrow money from a bank or from anyplace else, that counts as being borrowed, but if we borrow it from Social Security, it counts as income. Well, that is not true, because, just like the bank and like any other source, we have to pay the money back to Social Security, plus interest.

Now, you might say, well, so part of the $1.6 trillion surplus comes out of the Social Security trust fund. Well, that still gives us some money to play around with.

Unfortunately, when you look at the $1.6 trillion over 10 years, only $31 billion of that $1.6 trillion comes from any place other than the Social Security trust fund. So we truly do not have a surplus.

Unless we are willing to spend money that comes directly out of the Social Security trust fund on something else, we do not have a surplus. We cannot consider it a surplus, and we must be honest in the way we evaluate those numbers.

I find it particularly disturbing to hear some of my colleagues from the Republican side of the aisle talking about this surplus, because I remember back in the late eighties and early nineties they were the ones who first raised the argument that this was unfair, that we were masking the true size of the deficit.

Now, at the time Democrats were in the majority, so it was in their political interest to make that point, because it made us look bad. I was very troubled by that argument at the time, and I was troubled by it as a Democrat for one very good reason: They were right and we were wrong. We needed to address that issue and change it. But now we are in the latter part of the 1990's, they are in the majority, and now they are talking about a surplus, as if the Social Security trust fund was income that we could spend any way we want.

We need to stop doing that. We need to be honest about the numbers and make sure that we stay on a path to a balanced budget. A balanced budget is critical to this country. It helps our economy and protects our future. We need not to back away from it.

I understand with why we do this. I have people come by my office every day who have ideas to spend money on a variety of programs or have ideas for tax cuts in a variety of areas, and rarely does someone come by my office and present an idea where I can honestly say no, that would be a complete waste of money. That would not do any good for anybody.

Yes, there are programs that can use more money and taxes that could be cut, but the point is, where is the money going to come from? That is when you get to hard decisions.

No one likes to make hard decisions, so what we want to do is we want to say we can take it from the surplus. That is the easy answer. It is free money. We can give you tax cuts, we can give you spending, everything you want, we can promise you the world, and we can simply take it that take it from this mythical surplus. So I understand why we want to do this, because it is an easy way out.

But we were not elected to take the easy way out. We were elected to give people honest answers and give them an honest assessment of where the budget is. And the honest assessment is that we are doing okay. We are headed in the right direction. But we do not have a surplus this year, and we do not have that $1.6 trillion projected surplus that we have heard so much about over the last 10 years. Almost all of that money is taken from the Social Security trust fund, is borrowed from it. It is not money that we can spend, for the very good reason that we have to give it back. We have to give it back, plus interest. And if we have spent it, we are going to run up debts or not be in a position to pay the money back.

I strongly urge this body in the last four or so weeks that we have in session here to not break down from our commitment. We have worked so hard to get to a balanced budget. Let us get there. Let us be honest about the numbers, and let us stop using the money that we borrow from Social Security to mask the true size of our deficit.

ASSISTING AMERICA'S FARMERS

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

Mr. GUTKNECHT. Mr. Speaker, I rise today to talk about a very important issue, not only for people in my district, but I think for people all over the United States.

Yesterday morning I met with farmers in Kasson, Minnesota, and we talked about low commodity prices. For the benefit of Members who probably do not follow commodity prices and how they affect our farm economy and ultimately affect the entire economy, I would like to bring our colleagues up to speed.

Yesterday I think the posted price in Kasson, Minnesota, for corn was $1.44 a bushel. To inform my colleagues, the cost of production on that corn is somewhere north of $2 per bushel.

I know that some of our colleagues on the left are saying the problem is Freedom to Farm, that that was a huge mistake in the farm bill we passed several years ago, and that is the reason for that. It is curious, however, they were not complaining when the price of corn was in excess of $3 a bushel.

The truth of the matter is, allowing farmers the decision about where and how they want to plant their crops and which crops to plant on which acres, the whole notion of allowing freedom to farmers I think is a good idea and an idea whose time had come.

The problem is that we have lost over $5 billion worth of exports over the last year or year-and-a-half. That is $5 billion that has come right out of the pockets of farmers throughout the United States.

But it has particularly affected the farmers in the upper Midwest where we are very dependent on export markets. Why has that happened? For a variety of reasons. One is the decline in the economy in Asia. That was a very large export source for us, particularly in the upper Midwest. But $5 billion has come right out of the pockets of farmers. Coincidentally, this administration has failed to use nearly $5 billion in export enhancements. At the very time we need to export more, the administration has done less in terms of encouraging more exports.

What are we going to do about this? I think it is incumbent upon the Congress to respond, and to respond this fall. Obviously, because we have had relatively good farm incomes for the last couple of years, we are not in a crisis state yet, but we certainly will be, unless Congress takes some immediate and important actions and takes them yet this fall.

First of all, I think we need to make certain that the United States has a seat at the bargaining table as it relates to trade talks.

One of the most important things this Congress can do, and I hope we will do it next week, is to vote on Fast Track. As I talk to farmers around my district, and literally I have talked to thousands over the last month, one of the most important things they all tell me is that we need to pass Fast Track. Whether you are talking to the Corn Growers Association, the Soybean Growers Association, the Farm Bureau, virtually any farm group that you talk to put as one of their top priorities passing Fast Track so we can negotiate with our trading partners and get a bigger share of the world market out there.

The next thing we have got to do is make certain we enforce the trade agreements that we currently have with our trading partners. It is no secret that many of our trading partners are not living up to the agreements they have signed with the United States, whether it is the heavy subsidies in Europe or our friends to the north in Canada.

There is clear evidence, and now we finally have the administration filing a 301 petition in the World Trade Organization against Canada for some of the

things they have been doing. They have not lived up to their agreements under the North American Free Trade Agreement as far as we are concerned, particularly on the issue of dairy. We see where they are continuing to try to keep American exports out of Canada. They are applying penalties to the United States and using some of that penalty so they can further subsidize their exports into other markets, further putting American producers behind the 8-ball. So we have to do more to enforce the trading agreements that we have.

Another point that has come up in many of my discussions with farmers is we understand that we have got to do all we can as a Nation to help rebuild those economies, particularly in Asia. The issue of the IMF, the International Monetary Fund, has come up at many of the meetings I have been at. I think there is generally support for doing something to try to strengthen those economies, but there is a growing concern, and I share that concern, that much of the money we have given to the IMF has been wasted.

In fact, I think Indonesia and Russia are good examples. When you look at the evidence of the billions and billions of American tax dollars that have been spent in those regions, we see very little evidence that it has made much difference. So I and some of my colleagues are talking to people here in Washington about rather than giving in to the administration's request for another $18 billion of American tax dollars going into the IMF, why do we not take at least half of that money and provide low interest loans to some of our trading partners so they can buy some of this surplus grain that we have here in the United States at low prices?

We are like that car dealer or that carpet dealer that is overstocked, and we are having a sale of the century. We ought to move that grain and use that money so that our trading partners can buy that at low-interest loans.

There are a number of things that we can do here in Washington in the next several weeks to improve the lot of farmers in Minnesota and around the country, and hopefully we can get that done.

MOVING FORWARD ON A POSITIVE AGENDA

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

Mr. PALLONE. Mr. Speaker, I wanted to take my 5 minutes this morning to stress again, as I have several times on the floor over the last week or so since we came back from our August recess, how important it is for us to move forward on a positive agenda that addresses some of the major concerns that the American people want us to deal with before this Congress adjourns in approximately four weeks.

I have to say the Democrats are united behind a strong and bold agenda which addresses the real challenges that face working families. Democrats have been working together over the last year and will be over the next few weeks to enact our priorities and deliver a clear message to the American people about what we stand for.

There are two main areas which I think need to be prioritized. One is the idea of saving Social Security first, and the other is a Patients' Bill of Rights, or HMO reform.

I am very concerned about what may happen this week with regard to a tax bill that is proposed to come out of the Committee on Ways and Means this Thursday and that will spend a significant portion of the so-called surplus that we allegedly have, but will not address the concerns over Social Security.

In fact, in today's Congress Daily, some of the Republican members of the Committee on Ways and Means who were concerned about addressing the Social Security issue actually were told that they will have to wait until next year to deal with that; we will do the tax bill first and worry about Social Security later.

Well, that is the wrong priority. We should be dedicating every penny, every penny of that surplus, towards shoring up the Social Security system, rather than providing short-term tax cuts that will primarily help the wealthiest Americans.

President Clinton said at the beginning of this year, and he has repeatedly said over and over again, that Democrats want to make sure that whatever surplus there is over the next few years is used to basically make the Social Security system sound, because we know that in another 20 or 30 years there will not be enough money in Social Security to pay for current levels of benefits.

What we also need to point out is that most of the Social Security trust that is in surplus right now has been lent, if you will, to the Federal Government, and has to be paid back with interest.

Well, right now if you look at that trust money that has been lent to the government and essentially been used, we do not really have a surplus in our general revenue funds, because we have to pay back that Social Security money that was lent to the government. So I will insist, I will insist, and I think that most of my colleagues in the Democratic Party will insist, that before any tax cut is given back and any money is spent of this so-called surplus, that we make sure there is enough money left to pay for Social Security.

That is not the case right now. There is not enough money in the so-called "surplus" to pay back what is owed to the Social Security system, and we should not be passing any tax cut bill or giving out or even spending money on new programs or priorities until we make sure that that money is available for the Social Security recipients.

The Republicans are going to try to mask that this week and pretend as if there is a surplus out there. There is no surplus when you think about the money that has to be paid back to Social Security. Let us not pass a tax bill unless we have a guarantee in that tax bill that the money will be set aside for Social Security before any more money is spent or paid out in tax cuts this year.

The second issue that I would like to raise, and I think we need to address before Congress adjourns in the next four weeks, is HMO reform. The Democrats have put forth a Patients' Bill of Rights. The President, again, in his State of the Union address earlier this year, emphasized that we need to pass HMO reform during this Congress. The Democrats have put forth a very good bill called the Patients' Bill of Rights that is real HMO or managed care reform. We need to pass this legislation before we adjourn.

Again, the key elements of this bill, I would just like to list some of the key elements of the Patients' Bill of Rights: Guaranteed access to needed health care specialists, access to emergency room services, continuity of care protections, access to timely internal and external appeal process, limits on financial incentives to doctors, assuring doctors and patients can openly discuss treatment options, and an enforcement mechanism that ensures recourse for patients who are maimed or die because of health plan actions.

The main thing we want to do with this Patients' Bill of Rights is we want the decision of what kind of care you will get, whether you will get an operation, whether you will be able to say, stay in the hospital a few extra days, have that decision be made by the physician and his patient, in consultation with the patient, and not by the insurance company.

Too many people have been denied care under their HMO policies or their managed care policies, and that should not be the way it is in this country. We have quality health insurance, but people have to be able to assure, if they need a particular operation, if they need a particular procedure, that they can have it.

That is what Democrats stand for, and that is what we will be fighting for over the next four weeks.

CUBAN TERRORISM AGAINST AMERICA CONTINUES

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

Mr. DIAZ-BALART. Mr. Speaker, I rise this morning first of all to commend the FBI. They yesterday carried out a very important operation in furtherance of United States national security, along with, obviously, other law enforcement agencies and the U.S. Attorney for the Southern District of Florida.

The United States is indeed blessed to have agencies such as the Federal Bureau of Investigation and our other law enforcement agencies, as well as the intelligence community generally, that works day in and day out to protect the national security of the American people.

Yesterday, the arrests that were made, ten in all, were of spies for the Cuban dictatorship, agents of the Cuban dictatorship engaged in activities, in espionage activities, to infiltrate U.S. centers of military, political, economic and academic power, as well as means of communication. That is the mission of the state security intelligence services of the Cuban dictatorship.

So when we see an action such as the one carried out yesterday by the FBI, all of the American people have to feel pleased, supported and protected, and in exchange I think it is the duty of all Americans to support the FBI, to commend the FBI and our other law enforcement agencies.

I think yesterday's arrests of Cuban spies in the United States underlines the true nature of the terrorist state in Havana. These arrests by U.S. authorities of numerous Cuban intelligence agents, I am sure, will serve to remind the American people of the genuine nature and continued threat posed by the Cuban totalitarian regime, just 90 miles from the shores of the United States.

Despite what is evident on behalf of the majority of the media and the means of communication is a total ignoring of the reality of Cuba. Just the night before, how ironic, CNN, that television network that has sometimes been referred to as the "Castro News Network" because of its fetish for seeking to make Castro at all costs look good, and I know that is something that is impossible, but it is continuously attempted to be done by CNN. CNN had provided one hour of prime time to the Cuban tyrant, one hour of prime time, with the main objective of giving him an opportunity to whitewash and somehow project that he did not in fact in writing call for a nuclear first strike upon the United States of America during the missile crisis in 1962.

Castro, some of you may have seen the interview, pulled out these books of reports and tried to somehow say, obviously with no follow-up, absolutely no follow-up questioning by the CNN reporter, that no, he did not really mean to say that the Soviet Union should launch a nuclear first strike.

Well, how ironic, that just the next day, and a generation later, it is that same regime led by that tyrant that has spies in the United States that were arrested for precisely caring out activities against U.S. military and political centers of power.

So I commend the FBI. There is so much more that has to be done. There is an indictment that is prepared, it is ready, it was prepared by the U.S. Attorney in South Florida, against the Cuban regime. This was leaked out of frustration, by the way, by the U.S. Attorney to the press, when evidently from Washington the order came down that the indictment was not to be issued.

Prosecutors have an indictment ready charging the Cuban government as a racketeering enterprise for a 10 year conspiracy to send tons of Colombian cartel cocaine through Cuba to the United States. This indictment is ready. The evidence is available. It is overwhelming. The Clinton Administration has in fact ordered this indictment to be placed in a drawer and hidden. Because of the frustration, it was leaked to the media.

I have not even had time to address the dangers this morning to our national security from the nuclear power plants that Castro is building, but, Mr. Speaker, in coming days I will address on this floor those threats.

REPAYING THE SOCIAL SECURITY TRUST FUND

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

Mr. BENTSEN. Mr. Speaker, I rise today, first of all, to commend my colleague from Washington (Mr. SMITH) who spoke earlier today. I was sitting in my office going through correspondence from my constituents when I heard his comments on the plan to spend the interest on the Social Security trust fund on a tax cut that is part of the Republican Party, the majority party's plan either to have this year or next year.

I think this is one of the largest mistakes that we could make in this country. I think we have to go back and take a look at the economic history, the fiscal economic history of the United States, to see where we are, how we got there and the risk that this plan provides to the American people.

It was not too long ago in 1992 when the country was looking at fiscal deficits in the range of $292 billion a year. In fact, if we go back to 1981, we see since that time the national debt has quadrupled to $5.4 trillion. In terms of our gross domestic product it has doubled to the level of 677 percent to the level of our Gross Domestic Product, something that no business or no state or local government in our country would allow their finances to get into. Interest on the debt has become the third highest Federal program since 1981, tripling over that time.

Now, after many years of very strong fiscal medicine to get our fiscal house in order, starting with the 1990 budget agreement that was passed by the Democrats in the House and the Senate, the 1993 budget agreement that was passed by the Democrats in the House and the Senate, and followed by the 1997 bipartisan Balanced Budget Act, the Congress has now been able to show the country that we can live within our means and get the budget in balance, and this year in fact we are looking at the possibility of a surplus in the range of $65 billion in the unified Federal budget.

But that should not cover over the fact that we still have this enormous debt, and it should not evade the fact that the total unified budget would only be in balance because of the huge surplus in the Social Security trust fund.

Some of my colleagues have suggested that perhaps the interest on the Social Security trust fund is not really the property of the Social Security trust fund or the beneficiaries. I would remind my colleagues, and I contacted the Treasury Department to get a copy of the bond that the Social Security trust fund is invested in, and that is a bond just like any American or anyone could go down to their bank or to their brokerage House and buy, and it is a bond backed by the full faith and credit of the United States Government, just like any other Treasury bond. It is not just the principal, but the interest that is paid.

The interest on the Social Security trust fund belongs to the beneficiaries of the Social Security trust fund. The idea that somehow you could bifurcate the trust fund, only giving the principal and not the interest, makes no sense at all. Certainly those of us who come from the business world, and I know many of my colleagues on the Republican side came from the business world, as did I, would never do anything like that. They would be laughed out of the marketplace.

But what this comes down to is taking money from the Social Security beneficiaries and using it for a tax cut, which we could not need. But even worse than that, what this would do is add to the national debt, that is already starting to consume a vast amount of our annual Federal budget.

And what does the Congressional Budget Office say? The Congressional

Budget Office says even if we stayed within the levels of the 1997 balanced budget agreement, but allowed for demographic growth, no increase in spending, with the growth in Medicare and the growth in the Social Security system as the baby-boomers come on line with retirement, that our national debt could get as high as 200 percent of the gross domestic product by the middle of the next century, which would mean that interest on the debt would become the largest Federal program and would start to squeeze out things like education, like national defense, as well as Social Security and Medicare.

Now, let me also remind my colleagues what the esteemed chairman of the Federal Reserve, who we often hear about on the floor of the House from both sides of the aisle, said about the situation. He was very clear in a hearing before the House Committee on Banking and Financial Services just a few weeks ago that paying down the debt was the most important thing we could do. In fact, he said the paydown of debt associated with the Federal surplus has helped hold down long-term interest rates.

Let us not spend the Social Security beneficiaries' money on a tax cut. Let us pay down the debt.

INFORM AMERICAN PEOPLE OF RESULTS OF ATTACKS ON TERRORISTS

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

Mr. STEARNS. Mr. Speaker, several weeks ago the President addressed the Nation and told the American people that based on convincing evidence he had linked the bombings of the embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, to Osama bin Ladin, the Saudi millionaire whose base of operations is in Afghanistan. He went on to say that he had given our Armed Forces orders to launch cruise missile attacks against these targets. The first, of course, was a terrorist training camp in Afghanistan. The second target was a pharmaceutical plant in Sudan where evidence pointed to the fact that it was being used to manufacture chemical weapons.

Mr. Speaker, what troubles me about this is that since these strikes were made, we have not heard anything more from the President or his administration about this matter. The question is, did we achieve our bombing objectives at these two sites? Where is Mr. Ladin today? Is he still alive and still operating in secret and conspiring against the United States, or was he in the training camp when we destroyed its base of operation in Afghanistan?

As the days went by after these retaliatory strikes were carried out, new information surfaced about the pharmaceutical plant in Sudan. On September 1st, the Los Angeles Times reported that Shifa Pharmaceutical Plant produced human and veterinarian medicines for the impoverished nation and the evidence about Mr. Ladin's financial stake in the facility had been overstated.

Mr. Speaker, the President owes this country a full accounting, because the orders he gave, which were carried out, could have far-reaching effects that impact every U.S. citizen living both here and abroad. There is a long history of terrorist activity against the United States. Sadly, our response has been weak at best.

I would like to read you a quote from Mr. Jensen, an international editor of the Rocky Mountain News in Denver in his article entitled "Responding to Terrorist Attacks." He states,

> Our government imposes sanctions on so-called rogue nations that sponsor terrorism, which hasn't altered their behavior one bit, but one makes no effort to go after terrorists on the ground. In most cases it does not even retaliate for terrorist attacks.

Mr. Speaker, we are a civilized nation and thus far have refrained from fighting terror with terror. Is that the answer? Mr. Jensen goes on to say that Israel, through the Mossad, has perfected the art of fighting terror with terror.

Mr. Jensen's article also points out that over the last few years, 90 foreign hostages, including 11 Americans, have been held in captivity by Hezbollah and its operatives. Eleven were killed or died while in captivity.

Such atrocities cannot be allowed. Do we as a nation deal with such vicious attacks against our citizens by seeking to use the rule of law? According to Mr. Jensen, in the few instances where we have retaliated, such as President Reagan's bombing of Libya and President Clinton's use of the Tomahawk missiles, the civilian casualties that resulted have caused such international outrage that our reasons for taking such actions were totally obliterated.

We must make our enemies realize that if they take action against our country, we will take swift and decisive action against them as well.

Therefore, it is not my intention this morning to criticize the President's actions, because I think they were justified, based upon American intelligence and foreign intelligence. Thousands of people were killed in Kenya and Tanzania, and I do not think we should stand idly by and pretend it did not happen. However, I am concerned that we have lost credibility in the international community because of the confusion about why we took the actions we did against these specific targets.

Mr. Speaker, my message is simple today: Mr. President, do you not think the American people have a right to know whether our mission was successful? Please tell us today.

RECESS

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

Accordingly (at 9 o'clock and 38 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 10 a.m.

PRAYER

The Reverend Dr. Kenneth L. Samuel, Victory Baptist Church, Stone Mountain, Georgia, offered the following prayer:

Let us pray. Gracious God, our help in ages past, our hope for the new millennium, and our strength to stand this day, we are deeply grateful for the amazing grace and the wondrous mercies which have established us and sustained us as a people. Lord God, we have seen you move in and throughout our history to cultivate us and to correct us and to challenge us to make real the vision of our national mantra: One Nation under God, indivisible, with liberty and justice for all.

We know that the challenge to secure the rights of everyone, without denying the rights of anyone, is easier said than done. We know that the distinction between mercy for our weaknesses and judgment for our wickedness is often difficult to discern. But we also know that for every noble vision, You provide sufficient provision. And so we look to You for divine direction to accomplish Your divine directive.

Father, when You have shown us the way, please give us the courage and the faith to walk therein. We thank You today not just for the blessings You have bestowed upon us, we thank You today for the opportunity to make our blessings count. We thank You today for the opportunity to demonstrate our greatness through our service to humankind, and in that light we ask that You would help us to become greater than we have ever been before.

We offer this prayer in the name of the Christ who came that we might have life, and life more abundantly. 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 gentlewoman from North Carolina (Mrs. MYRICK) come forward and lead the House in the Pledge of Allegiance.

Mrs. MYRICK led the Pledge of Allegiance as follows:

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

DISPENSING WITH CALL OF PRIVATE CALENDAR ON TODAY

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar today.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

REPUBLICAN MEMBERS DESERVE APPLAUSE FOR PLAN TO SAVE SOCIAL SECURITY WHILE PROVIDING TAX RELIEF

(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, this morning I heard a lot of demagoguery from this side of the aisle. And let me say that I am not one to brag about things, but I believe that the Republicans have found a sound, logical, and fair plan to save the Social Security trust fund.

Now, we might not be able to eat a pack of crackers and at the same time whistle "Dixie", like some of my liberal colleagues, but, Mr. Speaker, Republicans have come up with a plan to save Social Security while at the same time providing tax relief to the American workers.

The Republican budget surplus plan, the 90–10 plan, sets aside 90 percent of the general revenue surplus until we make good on our commitment to save Social Security. The other 10 percent will be used for real tax relief to the American working men and women.

No smoke and mirrors here, Mr. Speaker. While my liberal Democratic colleagues on the other side of the aisle would like to use the same surplus to fund more of the same bureaucratic nightmare programs that, frankly, make Baby Elmo look like Freddie Kruger, Republicans are fighting to use this money to shore up the Social Security trust fund and provide real tax relief to the American working families.

I applaud my Republican colleagues for their hard work on this historic legislation, and I urge all Members in the House to support the 90–10 plan.

IN HONOR OF THE EXHIBITION: LINUS PAULING AND THE TWENTIETH CENTURY

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

Mr. BROWN of California. Mr. Speaker, I rise today to comment on the Exhibition, Linus Pauling and the Twentieth Century, which will open in San Francisco on September 20th.

This national touring exhibition is dedicated to the late Dr. Linus Pauling for his extraordinary contributions to science and humanity. In 1954, Dr. Pauling received the Nobel prize in chemistry. He also won the Nobel Peace Prize in 1962.

The exhibition is designed to inspire audiences with the life of one of the greatest scientists and humanitarians of this century and to teach our children about the important role scientists can play in the progress of human culture and world peace.

Mr. Speaker, I want to recognize the role of Dr. Daisaku Ikeda, President of Soka Gakkai International, for his initiative in organizing this special exhibit. Dr. Ikeda, an international peace activist, developed a deep friendship with Dr. Pauling during the final years of his life, and their dialogue was published in a 1992 book entitled, "A Lifelong Quest for Peace."

Mr. Speaker, I take great pride in supporting this exhibition to promote the legacy of Dr. Pauling in the U.S. and around the world. I ask my colleagues to join me in honoring the opening of the Exhibition: Linus Pauling and the Twentieth Century.

CASTRO REGIME NOT READY TO REFORM ITSELF FROM TOTALITARIAN VISION

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

Ms. ROS-LEHTINEN. Mr. Speaker, as if we needed more evidence about the national security threat posed to the United States by the Castro regime, the FBI yesterday arrested 10 individuals for operating a spy ring in the U.S. for the Cuban Communist regime.

The Cuban spy ring's mission was the collection of information about U.S. military installations and anti-Castro groups operating in Florida.

The FBI bust is the latest proof that after 40 years in power, the Castro regime has no intention of changing its totalitarian ideals or its hatred for the freedom and democracy represented by the United States.

Castro continues to support international terrorist groups, is constructing a dangerous nuclear power plant a few hundred miles from the U.S., and is said to be developing the capability for biological weapons. This does not sound like a regime ready to reform itself from the totalitarian vision that it continues to promote.

Those who continue to make excuses for the Cuban tyrant's behavior should finally wake up to reality.

AN AMERICA WITH TWO LEGAL STANDARDS IS AN AMERICA WITH NO LEGAL STANDARDS

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

Mr. TRAFICANT. Mr. Speaker, if Joe Q. Citizen lied in a civil trial, he would be sued for every penny. If Joe Q. Citizen lied to a Grand Jury, he would go to jail. Lying is perjury. Perjury is a crime.

Now, having said that, what is going on here, Mr. Speaker? Does America now have two legal standards, one for you, one for me; one for he, one for she; one for generals, one for soldiers; one for Presidents, one for residents?

Let us tell it like it is. Joe Q. Citizen cannot apologize, Joe Q. Citizen is not censured, Joe Q. Citizen is prosecuted. And let me warn Congress: An America with two legal standards is an America with no legal standards.

Mr. Speaker, I yield back the balance of the lives of all of the soldiers that gave their lives fighting to preserve our freedom.

TRIBUTE TO SARAH DOOLIN OF HILLSBORO, ILLINOIS

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

Mr. SHIMKUS. I would like to take this opportunity, Mr. Speaker, to commend a constituent of mine from the 20th Congressional District of Illinois: Sarah Doolin of Hillsboro.

At the young age of 16, Sarah is already an accomplished leader. As a leader of Brownie Troop 535, which is a position almost exclusively reserved for adults, she earned the J. C. Penny Golden Rule Award. In addition to these exceptional accomplishments, she has also done volunteer work at The Escape, and is a member of the 4–H Club.

With all the negative things in the news these days about young people, it is quite refreshing to be reminded there are many Sarahs all over our great Nation, demonstrating leadership by volunteering and taking the initiative in their communities. Thanks for restoring our faith in the future, Sarah.

NATIVE AMERICAN SUCCESS STORY

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

Mr. ROHRABACHER. Mr. Speaker, we Americans are rightfully proud that our country is known as the land of opportunity. Unfortunately, Native Americans have not always enjoyed the upward mobility we are so proud of, but obstacles faced by Native Americans can and are being overcome.

Prior to 1970, for example, the Choctaw Indians had no industrial development, suffered from high unemployment, and were dependent on assistance from Washington, D.C. for their survival. But since then, under the leadership of Chief Martin, a persistent and entrepreneurial attitude has enabled the Choctaws to break away from Federal dependency.

The incredible progress enjoyed by the Choctaws is living proof that self-empowerment, private enterprise, and entrepreneurship are the keys to opening the doors of opportunity for all Americans, especially Native Americans. The governmental and business leadership of Chief Martin has made the Mississippi Band of Choctaw Indians, since his election as chief, a shining example of what self-determination is all about.

I am proud to join my colleagues in honoring the Choctaw tribe and Chief Martin's leadership.

TRIBAL ENTREPRENEURSHIP

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

Mr. REDMOND. Mr. Speaker, as a Member from a State representing large Native American populations, I have taken a special interest in helping Native Americans and tribal businesses foster entrepreneurship and rigorous reservation economies.

Too often our Nation's Indian policies stifle tribal economic development in favor of big government solutions that continue to retard the developments of viable reservation-based economies. More devastating is that the rules and regulations that come with Federal control discourage private enterprises from investing and establishing businesses on reservations. The absence of a private sector to create wealth and employment for Native American people remains one of the biggest problems tribal leaders must confront.

I have risen today to join my colleagues to pay tribute to Chief Phillip Martin, whose belief in free enterprise and self-reliance inspired the Mississippi Band of Choctaw Indians to overcome its dependence on the Federal Government by creating a productive role for itself in the national economy.

Chief Martin recognized long ago that the key to becoming a self-governing tribe was in building a tribal government and educating and training their people.

BALANCING THE BUDGET

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

Mr. GUTKNECHT. Mr. Speaker, this Congress has accomplished something that was once considered impossible. When the other party controlled this House, some of their Members talked a good game about balancing the budget, but when I was elected just 4 years ago, the deficit stood at over $200 billion and, according to the Congressional Budget Office, was going to get worse, not better.

We said that we would balance the budget within 7 years by slowing the growth in entitlement spending, putting a flexible freeze on defense spending and making targeted cuts in domestic discretionary and other areas. We eliminated over 300 wasteful and unnecessary Washington programs and streamlined countless others.

Mr. Speaker, on October 1st, we will celebrate the first balanced budget in almost 30 years, 4 years ahead of schedule, and we will have a large surplus. We did it while keeping our promise to provide tax relief for working families.

Mr. Speaker, what a difference a Republican Congress has made.

□ 1015

CENSURE FOR THE PRESIDENT IS INAPPROPRIATE

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

Mr. STEARNS. Mr. Speaker, there has been recent talk in the press and around the country since the release of the Starr report that censure of the President would be appropriate punishment. Under our Constitution, Congress has absolutely no power to censure a sitting President. Censure is an exercise for each body of Congress to discipline their own Members, not a sitting President. The only historical case of censuring a President was when Congress censured Andrew Jackson regarding the policy of the National Bank. It is clear that Congress acted outside its constitutional powers then because the censure was for policy differences, not because laws were broken.

If Members of Congress believe that the President has violated the law, Congress should move forward with courage and start the impeachment process rather than create a false solution by censuring the President. Either laws were broken or they were not broken. If they were broken, then we should step up to our constitutional responsibility and do what is necessary to complete it. The rule of law is the rule of law. That is what my argument would be, to follow the law rather than the censure and start the impeachment process if laws are broken.

URGING PRESIDENT TO COME CLEAN

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

Mr. FORD. Mr. Speaker, it is with some pain and some chagrin as a friend of this administration, as a Democrat that I rise to say and really to echo the comments of some of my colleagues in both the House and the Senate, namely, my leader in the House and my leader in the Senate. For the President by his own admission has lied. He has lied about a situation that many in America have said perhaps justified——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. EWING). The gentleman will suspend. The gentleman should avoid such references in regard to the President.

Mr. FORD. Well, I say this to my friend and my leader and my party. I would urge the President to come clean at this point. For he has admitted that he has lied. He has disappointed us in his party and disappointed many in this Nation. For it is difficult for those of us in this party and those of us in this House to continue to give the President the benefit of the doubt. Mr. President, please come clean.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman should refrain from references such as lying and directly addressing the President in debate on the House floor.

NO GOVERNMENT SHUTDOWN

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

Mr. OBEY. Mr. Speaker, I note that there are stories that continue to appear in the press to the effect that we are facing a possible government shutdown. The fact is that, in my view, there is virtually no chance whatsoever that we will experience a government shutdown. The President has already made clear that if the Congress cannot get its work done before the fiscal year expires on October 1 that he will immediately sign any neutral short-term continuing resolution in order to keep the government open while the Congress does catch up to the schedule that it is supposed to be on. I would assume that the majority leadership of

this House would make certain that such a short-term continuing resolution is in fact ready, because it is obvious that this House is way behind the curve in getting all of our appropriation bills done in the necessary time period before the beginning of the next fiscal year.

So I think rather than hearing more of this rhetoric about a possible government shutdown, I think that people need to be aware of the fact that there certainly is no predisposition on this side of the aisle nor is there any predisposition on the part of the White House to allow that to happen. And assuming that the House and the Senate meet their responsibilities to pass a neutral short-term continuing resolution that would take us sometime into October so that Congress would have a chance to produce an omnibus appropriation bill, because I assume that that is going to happen, there is absolutely no reason to expect that there will be a government shutdown in the wings. I just do not see that happening.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House will stand in recess for approximately 15 minutes.

Accordingly (at 10 o'clock and 21 minutes a.m.), the House stood in recess for approximately 15 minutes.

□ 1036

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 10 o'clock and 36 minutes a.m.

APPOINTMENT OF CONFEREES ON H.R. 4101, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. SKEEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4101) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Ms. KAPTUR moves that in resolving the differences between the House and Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 4101, be instructed to agree with the provisions of the Senate amendment which provide funding for agricultural disaster assistance and reserve inventories, including the designation of such funds as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and with no offsetting reductions as provided in the Senate amendment.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from New Mexico (Mr. SKEEN) each will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR).

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

Mr. Speaker, I rise to explain my motion to instruct conferees on this agricultural appropriations bill, and fundamentally this motion would require the conferees on H.R. 4101, which is the 1999 appropriations bill for agriculture and related agencies, to agree to the language in the Senate bill which provides funding for agricultural disaster assistance, including reserve inventories, and designates that assistance as emergency spending without offsets.

Mr. Speaker, there is a real crisis facing most American farmers and rural communities today, and many have been unduly affected by the drought and other extreme and unusual weather conditions. Some are suffering the impact of crop disease, and others have been impacted by falling farm prices and an increasing inability to obtain credit. While the rest of the country may be experiencing economic recovery, thousands of farm and ranch families and the communities that depend on them have been left behind.

But the current farm crisis is one that will eventually touch every American, rural and urban, if we do not address this problem and this set of circumstances immediately.

The Senate agriculture appropriation bill provides a total of $521 million in emergency spending to begin to assist farmers in addressing this crisis. My motion does not address the adequacy of the funding level. That provision was added in July before the true extent of the summer drought and its impact on crops and livestock could be known. The appropriate funding level is something that we on the Committee on Appropriations will be discussing with the administration, with the authorizing committee and the Members most impacted by this crisis as we move to completion of this appropriations conference.

But my motion does address the designation of the funding provided to assist farmers in crisis as emergency spending, as defined under the Balanced Budget and Emergency Deficit Control Act of 1985, with no offsetting reductions in other areas. This has symmetry with the Senate bill.

I know some of my colleagues on the other side of the aisle will argue that the Congress has been offsetting emergency spending since 1994 and that this emergency should be treated no differently than the other supplemental spending bills we have passed. Well, it seems to us that we have found a way to bend these self-imposed rules on offsets in selected emergencies. We have done so in the supplemental appropriation bill passed last year. We offset only domestic emergency spending, not the defense-related emergency spending included in that bill. Surely our Nation's farmers are as deserving of emergency assistance and designation, particularly this year, as have been our military forces in prior years, and the offsets used for the earlier domestic supplemental bills were primarily funds from the HUD section 8 housing program, funding which we will eventually need to pay back in that program to ensure adequate low-income housing for low-income citizens, particularly the elderly who need this program.

Mr. Speaker, we cannot continue to rob Peter to pay Paul when it comes to addressing funding for natural disasters and other emergencies. It is time to abandon the so-called budget shell games and face our responsibilities and address the real emergencies facing our country today.

Mr. Speaker, this farm emergency is real. Several of my colleagues who are here on the floor have districts more directly impacted by this crisis, and I will be pleased to yield to them so that they can discuss the severity of this crisis and the immediate impact on their constituents. I ask that the House support this motion to instruct conferees and send a message to America's farmers that we recognize the impact of this farm crisis, that we recognize the contributions that farmers and ranchers make to this country's economic success and the well-being of our families and that we are going to act in a responsible way to assure that they get the assistance they need to get beyond this crisis and continue to ensure the productivity of this Nation.

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

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the motion to instruct and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I appreciate the distinguished ranking member of the subcommittee, the gentlewoman from Ohio (Ms. KAPTUR), bringing this matter before the House. We all know

about the desperate situation in agriculture and the problems caused by flood and drought. These are the kinds of problems that we have solved together in a bipartisan fashion in the past, and I look forward to working in that same fashion again in conference to help our farmers and ranchers.

There already is a $500 million emergency spending provision accepted by the other body. It is what we call a plug or a marker, and I refer my colleagues to the debate in the other body on the bill in which it was understood that the amount and scope of any emergency disaster plan for agriculture would have to wait for the administration to submit a detailed package. It is now 2 months after the bill passed in the other body and much longer since bad weather and other problems hit our farmers and ranchers, and the Administration has yet to come up with a plan.

Now we heard that the USDA has a draft plan that will cost in the neighborhood of $1 billion, and then there is another plan or package in the other body that is estimated to cost $5 billion, and that plan was offered as an amendment yesterday, and it was tabled, but I understand the Administration supports or does not oppose it, and I expect we will see it again before the end of our conference.

So all Members should know at this point that we have several agriculture emergency spending proposals costing anywhere from $500 million to 6 billion, but we still do not know what, if anything, the Administration wants in the way of money, new programs or authorities. I had hoped that the Administration would have put something together sooner, but for whatever reason that did not happen, and yesterday was the most recent day by which the Administration promised us a plan, but nothing has been sent down to us.

□ 1045

Therefore, Mr. Speaker, I suggest to my distinguished colleague that she may also want to consider some kind of instruction to the Administration which says that there are some serious problems out there in rural America, and it should not take this look to come up with at least an outline of what needs to be done.

The Department of Agriculture has several thousand people here in Washington and throughout the country, and that is their job. If, for any reason, the Administration cannot or will not draw up a plan, they ought to say so now, because time is wasting and Congress will have to step in and do the Administration's work.

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

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), who has worked as hard as any Member, harder than most Members in this Congress on this particular issue.

Mr. POMEROY. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank her very much for her leadership by bringing this motion to instruct.

I have the greatest respect for the chairman and appreciate the comments he just made. What is before the body, however, is what we can do right now, and what this body can do right now is pass this motion to instruct our conferees to go ahead and accept the Senate disaster provision into the conference report for the agriculture appropriations bill.

Mr. Speaker, we have an unprecedented disaster facing farm country, and working together, Republicans and Democrats, we have to respond. It is estimated that we could lose up to one-third of the farmers in the State I represent if we do not do something meaningful. This is urgent. This is a crisis.

Our region, the Upper Great Plains, has been swamped by a 5-year wet cycle that has left 1.4 million acres inundated, under water, not able to be productive. In addition to that, the same wet cycle has produced a disease called Scab, which has devastated production, and for crop we are able to get that is afflicted with this Scab, we get steeply discounted prices. Just when we thought nothing could possibly get worse, we have a collapse in Asia markets and the price of wheat and barley is literally at a 50-year low.

Mr. Speaker, this situation is so dire that according to the Department of Commerce, farm income in North Dakota declined by an astounding 98 percent, a 98 percent decline in net farm income between 1996 to 1997.

Now, our pain, and our pain could not be greater, is spreading. We do not take joy in having company in our plight, but we do acknowledge that the drought which wiped out the 1998 cotton crop in Texas created dire circumstances for farmers in the southern plains; hurricanes have hit the Carolinas; commodity prices have been hurt from Maine to California. We have a disaster of national dimension and we must respond to it.

Now, the motion to instruct calls upon House conferees to take the action by delivering immediate assistance to America's farmers and to acknowledge the flat reality that this is an emergency. This is an emergency. Our response to it needs to be afforded the emergency status provided for in our budget rules and not be offset, but be funded under the emergency basis. That is the action the Senate took, and it will be key to our being able to make a meaningful response to the dimensions of this plight.

The motion to instruct conferees to accept the Senate provisions in light of the mounting farm losses will probably need to be plussed up. We are going to need more money than the $500 million in the Senate bill. I think that this motion, however, directs us exactly in the way we need to go. We have an emergency, we have to respond to it. Republicans, Democrats, farm country, urban legislatures, please unite to pass this motion.

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

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume to place in the RECORD communications that have been sent to this House from the President of the American Farm Bureau Federation, Mr. Dean Kleckner, where the federation met with the task force representing 10 different State Farm Bureau Presidents to consider the situation that is facing rural America.

I would like to include their report in the RECORD, but I just wanted to quote one section here, which indicates that net farm income is projected to fall by over $7 billion this year, and the level of a $500 million disaster allocation will not begin to address this shortfall. They are asking Congress to focus on immediate remedies to redress producers, and given the magnitude of the agricultural economic problem, emergency supplemental funding of several billion dollars is justified.

I think in view of the Farm Bureau's position over past years, this is quite a significant statement, and we appreciate their hard work in helping us resolve this situation for our producers across the country.

Mr. Speaker, I include for the RECORD the correspondence just referred to in my statement.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, September 11, 1998.

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

DEAR MR. SPEAKER: I recently appointed a task force of 10 state Farm Bureau presidents to consider the economic situation facing agriculture and to make recommendations regarding legislative and administrative changes necessary to increase farm income. The task force filed its report, and the leadership of the American Farm Bureau Federation wholeheartedly approved those recommendations. The attached report outlines the priorities that Farm Bureau believes need to be implemented to increase farm income and agricultural exports.

When producers agreed to support the FAIR Act in 1996, Congress assured them that its passage would be accompanied by regulatory reform, tax changes, private property protection, and trade policies designed to improve our global competitiveness. These commitments have not been met, thus exacerbating the current farm crisis.

I urge you to take immediate action to help alleviate the crisis currently facing farmers and ranchers.

Sincerely,

DEAN KLECKNER,
President.

REPORT OF THE COMMITTEE ON THE FARM ECONOMY, SEPTEMBER 11, 1998, BOB STALLMAN, CHAIRMAN

When producers agreed to support the FAIR Act in 1996, they were assured by Congress that its passage would be accompanied

by regulatory reform, tax changes, private property protection and trade policies designed to improve global competitiveness and increase foreign markets. These commitments have not been met thus exacerbating the current farm crisis.

Farm Bureau has long been a proponent of balancing the budget and the "pay as you go" concept of offsetting increased spending with reductions elsewhere in the budget. However, the failure of Congress to fulfill its commitments necessitates immediate restitution by requesting emergency supplemental funding to assist producers facing depressed prices and/or weather-related disasters.

Farm Bureau firmly believes that current low price are not due to the failure of the FAIR Act. Instead, they are reflective of the failure to compete aggressively in foreign markets due to government restrictions and the inability or unwillingness of the Administration and Congress to fulfill their promise to open foreign markets for U.S. producers. With 96 percent of the customers living outside U.S. borders, these failures cannot be allowed to continue.

In the limited time prior to adjournment, Congress must focus on the agricultural issues which will immediately aid producers suffering through disasters and low prices, as well as trade issues where the impact may not be immediate—but if ignored until the next Congress—will adversely affect the agricultural economy for years to come.

The problems facing agriculture are diverse—low commodity prices, crop disaster losses, livestock feed losses, and export market barriers that have reduced overseas markets. A "one size solution won't fit all." Therefore, the proposed solutions address each of the problems individually.

Giving that background, Congress and the Administration must focus on the following agricultural priorities:

SHORT TERM NEEDS

Supplemental crop insurance payments

A crop disaster assistance program must be implemented. The $500 million in emergency funding included in the Senate agricultural appropriations bill is insufficient. It is imperative that any disaster assistance be implemented in a way that maintains the integrity of the crop insurance program. We must avoid sending a signal to producers that discourages them from further participation in the program.

The crop insurance program is so inflexible it cannot be adjusted to unique situations. It is incapable of responding to multi-year disasters and leaves producers unable to insure crops at a reasonable level. Supplemental crop insurance payments must be made for those suffering from disasters. Payments should not be limited to those suffering from multi-year disasters.

SANCTIONS INDEMNITY PROGRAM

Unilateral trade sanctions are costing American farmers access to critical markets. Those lost markets have caused poor market prices and reduced sales volume. Program and minor crop producers must be compensated for those lost markets via direct funding. Sanctions Indemnity Payments should not be restricted by any payment limitations.

Unilateral sanctions have become the weapons of the moment to address actions by our trading partners when the U.S. disagrees with some action they take. There is no record of unilateral sanctions producing anything favorable from either an economic or political standpoint. They simply shut U.S. producers out of needed markets. Our competitors are only too happy to sell in these markets. The U.S. earns the reputation as a unreliable supplier when sanctions are imposed.

There currently are about 120 unilateral trade sanctions in place. Over half of those have been implemented during the last four years. It is estimated that over 11 percent of the world's wheat market lies outside the reach of U.S. producers.

Changes to the FAIR Act

Congress must avoid abandoning the market-based policies of the FAIR Act. Producers are reallocating their resources in a more efficient manner than the government could ever dictate. The loan program is intended as a method to lessen pressure to sell at harvest time and spread sales throughout the marketing year. It is a marketing tool for producers, not an income support program.

Raising commodity loan rates or extending the loan period should be discouraged. Such action would be a clear signal to our competitors that once again we are willing to forego our markets and guarantee sales to them. It is a short term fix that has grave longer term economic implications. Any possible short term gains will be obliterated by storage cost, lower prices when the loans ultimately come due and the loss of world market share. Both farm producers and taxpayers would lose.

Disaster Feed Assistance Program

Funding is needed for some type of assistance to livestock producers suffering weather related disasters. Congress should fund a Disaster Reserve Assistance Program or Emergency Livestock Feed Assistance Program to reimburse those producers who have experienced disaster related losses for a substantial portion of the cost of purchasing feed.

PL 480

Several foreign economies are near economic and political collapse. Now is an excellent time for the United States to donate products to these countries. We support enhanced funding for the PL 480 program. Enormous opportunities exist for humanitarian and public relations benefits, in addition to an opportunity to impact market prices. It is important to provide relief to our long term customers who are at risk of liquidating their livestock sectors. These markets must be supported as they are future long-term customers for U.S. products. The PL 480 program should not only be used to help move product to traditional customers, but increased to include customers who may not currently qualify for GSM credits.

Credit relief

A change in current law to allow producers more flexibility in obtaining Farm Service Agency (FSA) guaranteed farm ownership and operating loans is necessary. Under current law, FSA can guarantee operating loans up to $400,000 and ownership loans up to $300,000. The caps should be combined to allow producers to borrow up to $700,000 from one or both programs.

The FSA guaranteed loan program should be expanded, particularly to assist young farmers and ranchers.

Current law generally requires FSA operating loans to be repaid within seven years. While Farm Bureau has long called for discontinuance of FSA lending to anyone unable to build up enough equity to get financing elsewhere after 10 years, the eligibility period for current borrowers should be extended for producers affected by disasters. Farmers should, at least, get the same treatment as other small businesses and homeowners do when floods, hurricanes, and other natural disasters occur.

Congress should oversee FSA's administration of the emergency loan procedures to ensure that application approval is expedited, paperwork is streamlined, and the process is more user-friendly.

Conservation Reserve Program (CRP)

There are currently 30 million acres under contract to CRP. Adequate funding should be provided to allow USDA to accomplish full enrollment at the authorized 36.4 million acres cap.

The announcement for the 18th CRP sign-up will be made this month. However, land accepted during that sign-up will not enter the program until October 1999. Entrance must be accelerated to early 1999.

In addition to the land traditionally accepted into the CRP, Congress should urge the Administration to target some of the newly-enrolled land towards mitigating emerging disease and pest situations such as wheat scab, potato blight and Karnal bunt.

Extended assistance

Since projections indicate that 1999 crop prices will not improve significantly, Congress should consider a two-year assistance program to help producers cope with current low prices expected to extend into the next crop year.

LONG TERM NEEDS

Trade issues

Fast-Track

Fast-track negotiating authority must be passed. Continuing to delay the implementation of fast-track is reducing critical time needed to define and advance U.S. negotiating objectives for the next round of multilateral negotiations, and the opportunity to realize meaningful gains in increasing market access. Discussions have already begun for the Free Trade Area of the Americas. Our trading competitors are not waiting for the U.S. to step forward as the leader but are moving forward to create agreements that we can only hope will not disadvantage the U.S.

International Monetary Fund (IMF)

Congress should act quickly to provide the full $17.9 billion requested for the IMF. The IMF was created to help stabilize national monetary systems in times of fiscal instability. Countries must be determined to be creditworthy to be eligible to participate in the GSM guaranteed loan programs. These programs make possible the sale of U.S. products into critical markets, and help maintain market share and product visibility. The IMF must have the necessary funding to address financial market instability as it occurs around the world. In order to break the Congressional stalemate, we favor basic reforms to IMF policies.

Sanctions Reform

Food and agricultural products should not be used as a foreign policy tool.

In just four years the U.S. has imposed 61 unilateral economic sanctions on 35 countries. These countries contain about 40 percent of the world's population, and thus, a large lost market for U.S. farm output.

Congress should pass legislation that would help prevent future useless embargoes or sanctions by requiring a reasonable evaluation of the consequences of imposing unilateral sanctions before they are imposed.

Market Access and Development Programs

Congress should fully fund the Market Access Program to the $210 million authorized and provide necessary funding for the Foreign Market Development Program. These programs need the expertise provided by a fully supported Foreign Agricultural Service that is expanded to cover all existing and potential market posts.

Tax issues

The next tax bill should include the Farm and Ranch Risk Management Accounts (FARRM). This would encourage farmers and ranchers to save for a "rainy day" by allowing them to deposit up to 20 percent of pretax net farm income into an interest-bearing account. Funds could be withdrawn and taxed over the subsequent five-year period.

Congressional efforts should also be focused on addressing farmers' cash flow problems this fall and winter. Tax legislation should include lengthening of the net operating loss rules so that net operating losses could be carried back more than two years and acceleration of the health insurance tax deduction for self-employed individuals.

Crop insurance

The crop insurance program must be fixed. Congress and the Administration must take a hard look at this program to determine how to make it a more viable risk management tool. For several years, we have attempted to "tinker" with the program. We will "tinker" again this fall due to the inadequacies and lack of flexibility in the program. With an increasing number of producers relying on crop insurance as their primary risk management tool, Congress must commit to spend the time, effort and money to overhaul it. This obviously cannot be done prior to adjournment. However, a commitment by the House and Senate leadership to schedule floor consideration of major program changes early next spring would send a very positive signal that it does not intend to let the inadequacies linger.

Funding

Net farm income is projected to fall by $7.4 billion in crop year 1998. A $500 million disaster allocation will not begin to address this shortfall. Because the agenda to which Congress committed is woefully incomplete, Congress must focus on immediate remedies to redress producers. Given the magnitude of the agricultural economic problem, emergency supplemental funding of several billion dollars is justified.

The AFBF Committee on the Farm Economy urges Congress to adopt the above recommendations to insure the future viability and competitiveness of U.S. agricultural producers.

Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, as we wrap up our work on the fiscal year 1999 agriculture appropriations conference report, I want to reiterate the importance of emergency-designated funding to assist farmers, ranchers, and producers.

During my August break, I met with over 450 farmers and ranchers in my congressional district, together with FSA administrator Keith Kelly, and we heard about the emergency crisis that they are facing. I am particularly concerned about the agriculture sector in drought-stricken regions such as my home State of Texas.

There is no question that more funds are needed. At the minimum, the amount contained in the Senate-passed version of this bill is what needs to be adopted. This $500 million is to be but a starting point. Personally, I feel this amount should be increased to $2.5 billion. Under the emergency situations that we face, that is what we should be looking at to help them out.

My concern is that no matter what action is taken today, it may be too little too late. There are a large number of farm products producers; yes, hard-working agricultural producers who meet our Nation's food needs. We have to make their concerns our top priority, and I respectfully request that my colleagues join me in supporting this motion today.

Ms. KAPTUR. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from Texas (Mr. HINOJOSA). I know that the pain and suffering that is being borne by farm families in that region of the country is particularly acute, and we want to commend the gentleman from Texas for his leadership and for his willingness to come down here today and help us on that measure.

Mr. Speaker, I yield 4 minutes to the very distinguished ranking member of the House Committee on Agriculture, the gentleman from Texas (Mr. STENHOLM).

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

Mr. Speaker, I rise in support of this emergency declaration motion to instruct conferees in the conference on the agriculture appropriation bill. I wish there were other ways in which we could deal with this. I would hope that the House Committee on Agriculture would soon come together and begin to address this question from the perspective of our committee.

This problem is much bigger than the Senate anticipated. I think, as others have said, that it is very clear that $500 million will not begin to address the devastation that is occurring in farm country. We have the natural disaster which we are addressing here. On top of the natural disaster, we have an economic disaster of low prices that I think a lot of people perhaps cannot fully appreciate. A lot of concern has been expressed about a 20 percent drop in the stock market. If it goes to 20, we are in a recession.

Well, corn prices are 30 percent below the average of the past 5 years. Think about this as I recount some of these numbers. If one thinks of any other part of our economy, or very few parts of our economy in which the last 5-year average of prices and/or salaries that this year would be projected 30 percent below that, and then looking ahead to 1999 is getting no better, I think one can begin to appreciate the full economic problems facing American farmers and ranchers. Wheat prices, 28 percent below. Cattle prices, 17 percent below. Net cash farm income, 43 percent below the average of the last 5 years.

This is what we are dealing with, and the frustration that I have today is nobody seems to be concerned about it from the standpoint of doing what we should normally do, and that is address it through the committee system, working with the Secretary of Agriculture.

I heard previous speakers talking about the blame game and the fingerpointing to the administration. Perhaps there is some of that that is due, but there is also a blame game, and I was reminded of this when we start pointing fingers, I was reminded that when one points a finger, be careful, there are usually 3 pointing back at you.

This should not be a partisan argument. This ought to be today the beginning of an honest and sincere effort to address a very serious economic situation that is facing those who produce food and fiber in the United States. At home, we are talking no longer about farmers and ranchers going out of business, we are talking implement dealers, we are talking the support groups, we are talking the small towns and communities. One cannot take 30 percent of the economy out of the rural community and not have devastation. That is what we ought to be talking about today, and that is why I commend the gentlewoman for this motion to instruct.

I think it should be clear, though, that there are so many other areas that need to be addressed. There is so little time remaining, 18, 17, legislative days. Mr. Speaker, let us not waste them in talking about other activities; let us go to work, roll up our sleeves and deal with it.

Mr. Speaker, I look forward to working with the Committee on Appropriations as a member of the House Committee on Agriculture. I see my chairman is here, and I would hope, and I know that the gentleman from Oregon (Mr. SMITH) is very concerned about this and is doing what I am about to say already. But the problem is that we need somebody else to listen to us, and the leadership of the House to say, let us seriously and sincerely begin to address this. Certainly our side of the aisle will reach out and work with my chairman and the members of the House Committee on Agriculture and the gentleman from New Mexico (Mr. SKEEN), and I know where his heart is on this, and the gentlewoman from Ohio (Ms. KAPTUR).

The bottom line is, as of today, we feel like that there is not very much being done, other than what the Senate has done. They have made a good step forward. We need to join in that and begin to build upon that to avoid a terrifically serious problem becoming

even worse if we choose to do, through inaction, what we otherwise should do.

Mr. SKEEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Oregon (Mr. SMITH).

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

I have worked for the last few months with the gentleman from Texas and others interested in agriculture to try to reach agreements which would benefit the agriculture community in this Nation on a basis of trust and mutual respect, and to attempt to keep this question, which is so likely to slip into partisan politics, out of that arena. So I must remind Members that we have already taken action, and this leadership, by the way, has taken action to support agriculture in this country, and the gentleman from Texas will remember, with the Square Deal for Agriculture, which included lifting sanctions in Indonesia, which included normal relations with China, and that I join him and he joins me in the effort to pass funding for IMF and for fast track.

□ 1100

To some, those are long-term kinds of solutions. However, certainly lifting the sanctions and the immediate purchase of wheat by Pakistan was not a long-term program.

Since that time, we have searched to find ways to put cash in the hands of agriculturalists in this Nation without distorting world prices for commodities. We have done that by moving the transfer payments, as the gentleman well knows, and he was a part of that, to place in farmers' hands some $5 billion by the 1st of October, which were transfer payments under the AMTA program, in their hands for their discretionary use.

Now, beyond that, there have been identifications of disaster in the gentleman's portion of America as well as continuing problems in the upper northern States of North and South Dakota and Minnesota where they have had, not 1 year, but 6 or 7 or 5 years of loss due to Scab and other problems in that area.

I have been dedicated to try to find an answer to assist in disaster as well as those ongoing problems in the upper northern States as well as trying to address the horrible revenue reduction which Agriculture has sustained as identified by the gentleman.

So we have had an unfortunate set of circumstances likely, and not having occurred in the recent past, and that is simply a disaster on the one hand in agriculture coupled with and together with a huge reduction in income to farmers.

This does not take and should not take a motion to instruct to get my attention or anybody else's attention. I disagree with what the Senate did. This sounds like we are going to agree with the Senate. The Senate is inadequate, $500 million does not touch this problem. If I thought it did, I would throw my arms about this amendment and say here we have done it. Congratulations. We have solved the agriculture problem. That is silly, and I am not going to do that.

But I am going to suggest this, that while we are putting together a program which must pass this House and the Senate, we ought to be cautious to work together on a program that makes sense and that is judgmental and that addresses each of these issues, disaster, loss of revenue in agricultural country. That is what I am up to. That is what I am about.

So I suggest to my colleagues this is not the way to legislate this issue. This may be a well-meaning amendment. It does not even address the minimum problems we have in agriculture. Vote this down. Give us a chance, hopefully, to work together, because if we do not, we do not answer the question. Let us let farmers make up their choices, but let us do the best job we can.

Ms. KAPTUR. Mr. Speaker, I would like to inquire as to the remaining time on both sides, please.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman from Ohio (Ms. KAPTUR) has 16½ minutes remaining, and the gentleman from New Mexico (Mr. SKEEN) has 22 minutes remaining.

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

Mr. Speaker, I just wanted to note again that the motion to instruct does not set a dollar level. There was a reference by the prior speaker of $521 million. The motion to instruct does not address the adequacy of the funding level. All it does is says that this assistance should be in the form of emergency spending as in past supplemental bills that have dealt with defense, for example. So it does not set a level.

Let me also place on the record if I might some of the figures that have been given to us from various States in the union. For example, in the State of Georgia, where the farmers and ranchers have been subjected to freezes, floods, and now drought through much of last year and this year, farmgate losses there are estimated to be three-quarters of a billion dollars, over $767 million as estimated by the University of Georgia extension economists.

The gentleman from North Dakota (Mr. POMEROY) talked a lot about the losses in North Dakota. I know that the gentleman from Minnesota (Mr. PETERSON) will shortly be addressing the Minnesota situation and the Red River Valley in general.

But the amount of flooded acres are at historic levels over several years with the compounding factor of wheat Scab there and of course record low prices that are even putting a further downdraft on farm income and productivity in all of these places.

If we look across the country, USDA, as well as private forecasters, are not expecting price conditions to do any better for the near future due to freezes, floods, droughts, hurricanes, fires and for sure the Asian financial crisis which is affecting our markets and our ability to sell.

We know that up to a quarter of the farmers in many States will not get financing to put in a crop this fall or next spring and bankers are calling in and asking the U.S. Department of Agriculture to provide assistance.

So this is not a problem that is diminishing. This is a problem that appears to be growing as we move through 1998. Texas losses already are at over $2 billion as our esteemed colleagues, the gentleman from Texas (Mr. STENHOLM) and the gentleman from Texas (Mr. HINOJOSA) have reminded us.

We have drought currently spreading from the southwest up to parts of Kansas, Missouri, Arkansas; in the southeast all the way to Virginia where over 400,000 acres are affected by drought. We have fires in Florida. We have seen those on television and even floods in my own home State in Ohio as well as Michigan. So this is a national problem that demands a national solution.

Mr. Speaker, I yield 4 minutes to our distinguished colleague, the gentleman from Minnesota (Mr. MINGE). I thank the gentleman so very much for coming down and for his leadership throughout this past year on these issues of concern to our farmers and ranchers.

Mr. MINGE. Mr. Speaker, I thank the gentlewoman from Ohio for yielding to me.

Mr. Speaker, I also would like to express my appreciation to the chairman of the subcommittee for his leadership on behalf of agriculture. It is very important that, in this time of agricultural crisis, that we pull together, that we work on a bipartisan basis, and we try to make sure that the necessary legislative response comes before we adjourn in October.

We do not have many opportunities to take this up. Uniquely, this agricultural appropriations bill is one of those opportunities, if not the only opportunity.

So in that context, I would like to express what I have heard from the bankers, the farm equipment dealers, the farmers, and others in my area as to what we have to do.

I would like to preface this by saying that, as all of us recognize, the agricultural economy is in an economic freefall. If we do not act, we face the prospect of farming as we have known it in much of America being transformed, not for the better, but for the worse within a period of about 18 months.

First, with respect to administration, I have heard that the Farm Service

Agency at the local level is suffering every bit the problems that the Defense Department is suffering from, and the gentleman from Florida has spoken about it so eloquently.

If we are going to take up the Defense Department's needs, I submit that we must take up the needs of the Farm Service Agency so it can deliver and administer these programs at the local level.

I have received calls from people I know in church and otherwise on their own time that work at the Farm Service Agency saying we do not know what to do. We have mountains of paperwork that are building up in our offices. We must respond to this.

Secondly, we have loan guarantee, direct loan, and interest buy-down programs. These programs have worked well over the past several years. They have served agriculture well. They have been supported on both sides of the aisle.

Unfortunately, we have spending caps that we have had to impose on these programs. But the bankers are telling me that, if we do not have these interest buy-down, loan guarantee, and direct loan programs that we are not going to be getting the crop in in 1999.

We have to expand these programs so it is not just having them but it is expanding them. I submit that we ought to double the loan guarantee authority that we have, given the interest buy-down and the direct loan. This, again, is an appropriations problem.

I would like to emphasize that we are all searching for a way to deal with the question of prices.

The question of prices, how do we respond to this? There are many choices, there are many opportunities, but I would submit that the easiest is to take something we are all familiar with, the loan marketing program, or the marketing loan program, uncap the loan rate, move it up to 85 percent. We can use the loan deficiency payment approach; we can use the forfeiture approach, whatever is going to work, but that is a program that is in place that the farmers are familiar with, that the U.S. Department of Agriculture is familiar with and we can implement immediately.

I submit that we ought to do that. We ought to move on it.

There are many other items I would like to address but I would just like to leave this thought with you in closing: The bank examiners, in a sense, haunt the process. They have to make sure that our banking system is operated with integrity. Unfortunately, when cash flow statements do not make any sense, the bank examiners say to the banks, those are not going to be performing loans. Those are criticized loans. We have to make sure that the lenders in the farm economy are able to do cash flows with their farmers that show a prospect for repayment of the loans and that these are not criticized loans. If we do not act in a way that I have outlined, it cannot happen.

I submit that the motion to instruct is at least a positive development to move this along.

Mr. SKEEN. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, there is no question that our agricultural community is in danger. One out of three farmers in Oklahoma this year is at risk, one out of three ranchers, but what this proposal portends to do is to take money that we do not have and take it off the balance sheet and say, children, you pay for this later. Social Security, we will take it out of you again.

What we have to do is to recognize that we have a need in the agricultural community. That need does not obviate our need to be fiscally responsible in other areas of our government budget.

I am going to support lots of things to help our farmers and additional monies, but it is incumbent upon us to pay for it, to not just say, here is money, we are going to just add it to the debt, our children are going to pay it back, or, better yet, the money that is there we are going to steal from the Social Security surplus that is coming right now, because that is what this instructs our conferees to do, to take the money away from our children or away from the seniors.

My question is: Is there not some place in the Federal grandiose budget that we can say we can cut so we can help our farmers? The question is not about whether or not we can help our farmers, and the question is not whether or not we should.

The question is: Who are we going to hurt to help our farmers? The assumption is if we cannot do that, if it is not possible for us to do that, then what we are saying is this government is running efficiently, there is no waste, there are no areas that we should be able to rescind to be able to pay to help our farmers.

I think that the vast majority of the farmers in this country, the farmers and cattle ranchers in this country, want us to find it somewhere else. They do not want to put this money off on their children because that is exactly where it would go. The American public should know that declaring it an emergency means we do not have to pay for it. The hard work of being a Member of this body to find out the most efficient way to run this government is thrown out the door, and we just add it to the debt.

So we have two problems. One is, our farmers and ranchers are in trouble. We need to help them. The second problem is, we do not help them at all in the future by taking the money from our children or from the Social Security trust fund. That is exactly where this money will come from.

Let us find it. Let us do the hard job that we are paid to do to find the money to solve the problem for our farmers. We can do it. We can do it in a bipartisan manner. We can find this money and we can serve our farmers and ranchers well.

I will be asking for a recorded vote on the previous question in order to enable that we can offer a way to offset these funds.

Ms. KAPTUR. Mr. Speaker, I yield 30 seconds to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Speaker, I appreciate the dilemma that the gentleman from Oklahoma (Mr. COBURN) has posed. I certainly join with him in a commitment to balance the budget, but first let me point out we do not even have a budget resolution we are operating under. Who knows what the budget is for agriculture? Until we get a budget resolution, I submit, we do not have the leadership on the majority side on this vital matter.

Secondly, we are going to be treated to a request that this body approve $80 billion in various taxes.

□ 1115

Where is that money coming from? From Social Security? If we have that amount of money, I submit we ought to also be considering what can we do for America's farmers. We must do something for this sector of our economy.

Finally, we are going to be considering supplemental appropriations in many other areas, the Defense Department for one. If we cannot consider this for the American farmers, I think we have abdicated our role in Congress.

Mr. SKEEN. Mr. Speaker, I yield 30 seconds to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I would just say that I agree with the gentleman from Minnesota (Mr. MINGE), that there should not be the first tax cut until we have secured our children and the seniors in this country and what has been promised to them.

But there also should not be the first penny left in Washington for us to spend that does not go towards those two goals. So, I will agree with the gentleman and he will find my vote lining right up there. But that does not say that we should not do the right thing now. Because somebody else is going to do the wrong thing does not mean that we should follow them down that road. Mr. Speaker, we should, without a doubt, pay for any supplemental spending to help our farmers and ranchers.

Ms. KAPTUR. Mr. Speaker, I would like to inquire as to time remaining.

The SPEAKER pro tempore (Mr. EWING). The gentlewoman from Ohio (Ms. KAPTUR) has 9 minutes remaining, and the gentleman from New Mexico

(Mr. SKEEN) has 18½ minutes remaining.

Ms. KAPTUR. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. PETERSON), who has been such a leader on trying to get assistance to our farmers and ranchers.

Mr. PETERSON of Minnesota. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me this time.

Mr. Speaker, I would say to the gentleman from Oklahoma (Mr. COBURN), I sympathize with a lot of what he is saying. But I would like to point out again that we do not have a budget at this point, and that is frankly one of the problems.

Mr. Speaker, I come from an area, and I just spent last weekend out talking to farmers again, where they are telling me up in the north part of my district that 70 percent of the producers are not going to be able to get money to get in the field next year.

We are in an absolute crisis situation. I think all of us would like to pay for all of these additional appropriations, and I hope that we could find some way to pay for this. But my concern is that we might get into a situation where we cannot find the money and then nothing happens.

We have an absolute desperate situation because of things beyond our control, because of disease problems, to some extent because of weather problems, but mostly disease problems. We need some kind of an immediate response. Should have been one 2 years ago.

Mr. Speaker, while the rest of the country has been experiencing pretty good crops in most of the areas, and the prices have been a lot better than they are now, we were experiencing a situation where we did not have anything to sell. During the time when the prices for wheat and corn were considerably higher than they are now back in 1996, we did not have a crop because it was wiped out by scab and Vomitoxin and floods.

So now this year we have a fairly decent crop in some of the areas, but it is not worth anything. What has happened is the farmers have lost their equity. Next year, the situation does not cash flow because of the prices that we got. We need some kind of response if we are going to keep these folks in business.

Mr. Speaker, if this is not an emergency, I do not know what is. I think that I am going to support this motion because it is a step in the right direction, but I do not think it is enough money to deal with the problem. I think that we need to look at solutions such as the administration is working on right now, as I understand it. They are looking at a proposal where if farmers had a crop insurance loss 3 years out of 5, that they would pay 25 percent of the crop insurance that farmers receive during that time as a direct payment. That would be a step in the right direction.

I also would encourage the Members in this body and the administration to look at a proposal that has been put forward by some folks in our area where we could set up a land diversion program where we would turn this land black for 3 years and try to get this disease out of the system. That would be something that would be very helpful to us.

Again, there would be some cost to that proposal. But, again to reemphasize, we have gone through a situation where we have some farmers that have not had a crop for 5 or 6 years, have not had a thing to sell, and have eaten up their equity. If we are going to keep the fabric of that part of the country together, we have to have some kind of a response.

Mr. Speaker, I implore my colleagues to support us in coming up with something yet before we adjourn this session, so that we can go back to those people with some kind of hope that they can farm next year.

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

Mr. Speaker, I wanted to point out, one of the previous speakers expressed some concerns about the budget. I just want to say that of all the subcommittees in this House, this Subcommittee on Agriculture has taken more cuts, has laid off more people, over 10,000 at the U.S. Department of Agriculture, has consolidated more offices at the local level, has had to cap research dollars below levels at which we would prefer to fund them. We have had to cut back on our trade promotion programs at a time when we are having trouble with exports.

If we look at the choices that we have had to make, there has been no more responsible committee or subcommittee in this Congress than this Subcommittee on Agriculture. If one is concerned about attempting to deal with balancing the budget, we have done more than our fair share.

I would hope that the gentleman from Oklahoma (Mr. COBURN), in trying to find a true answer to this, could look across accounts, including to some of the accounts that are outside the jurisdiction of this committee.

This is an issue that the Committee on the Budget should have dealt with. We do not have a budget resolution this year. Why should the farmers and ranchers of this country be asked to pay the price of the Committee on the Budget inside this Congress that did not do its job?

It just seems to me that we have taken the hits, substantial hits in this committee at a time when rural America is crying out to us for attention. It would be a travesty not to meet our public obligations to the people who are producing the real wealth of this country simply because some procedural group inside this Congress, not this subcommittee, and not this full committee, did not do their job.

So, I think we have a higher calling here today with this motion to instruct. We welcome the gentleman's support and ideas as we move forward here. But, please, understand what is going on on this budget situation. It is not the work of this subcommittee, nor the full committee, nor in fact the Committee on Agriculture of this Congress, but other problems that we are facing in other venues here. There is no reason we could penalize the farmers and ranchers of this country because of the inaction of some elements of this institution and the other body.

Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me this time, and I associate myself with her remarks concerning the work of this subcommittee, the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) and their fellow members. The problem we face is not their fault. In fact, they have done an admirable job in dealing in a very, very judicial and positive way with a very tight budget.

But I want to speak to the question that the gentleman from Oklahoma (Mr. COBURN) brought up just a moment ago, because he is right on target with one major exception. That is if we are truly to work out the expenditure cuts in order to fund this particular need of an emergency, that must be done supporting a budget that can get 218 votes.

If the gentleman will remember, and just for the body's recollection, those of us who had a slightly different opinion of what this budget ought to look like this year, those of us so-called Blue Dogs, were denied the opportunity even to debate our ideas on this floor when we had the opportunity to talk about this issue. The leadership of the House chose not to even let the free exchange of ideas occur on the floor of the House as some of us would like to have talked about this.

So, it is important for this body to understand those of us who bring this resolution today, admitting it is inadequate, admitting that it is muddying the water, but unless the water is muddied, some of us believe that nothing is going to happen because we will never be able to get the perfect plan.

Later this week we are going to debate an $80 billion tax cut with Social Security trust funds. I agree with the gentleman, any dollars that are spent for any purposes are coming out of the Social Security trust fund. Therefore, I am going to be very judicial with how many of these dollars, and I will reach out and work with the gentleman from

Oklahoma and anyone else that can help us find those dollars.

But I believe someone has already spoken to the fact that we have got a potential growing emergency in the defense areas of this country that I am very concerned about also. And, therefore, perhaps it is time for reasonable heads to get together and start working on a plan that can be supported by 218 votes that meets the needs of this country.

Mr. Speaker, today we talk about agriculture. We made that argument. But I think it is going to be "fess up" time and "honest up" time for a lot of us. The concern I have, and why I asked to speak again, is I am afraid that we are going to pursue a process in which we have all kinds of ideas, but no one ever gets 218 votes and we end up pointing the finger of blame. Rural America cannot stand that.

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

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

Mr. Speaker, I would just ask the Members to please support our motion to instruct in order to assure that the farmers and the ranchers of this country in many cases are allowed to plant a crop, to move their livestock, to keep this country whole in its economy and moving forward.

Mr. ORTIZ. Mr. Speaker, I rise in support of this motion to instruct conferees because of the grave drought situation affecting the farmers of south Texas and the difficulties they are facing with the Crop Insurance Program's coverage of their crop loss.

My office has heard from farmers, bankers, and those in the farming industry who have experienced their fifth straight year of weather related crop losses. Assistance under the emergency status designation for Texas agriculture producers is definitely needed.

I am here to voice the concerns of these farmers in Washington and urge that disaster assistance alleviating this situation be made available.

Mr. SANDLIN. Mr. Speaker, over the last month, donated hay has come to Texas from Missouri, Kansas, Illinois, and other states across the country. The free hay is a near miraculous sight for many East Texas ranchers and a wonderful tribute to the generosity of the human spirit. However, in all but a few cases, the hay will provide only a stopgap measure until the cattle producers can find another way to purchase hay.

Most of the state's pasture land is still rated as poor or very poor, and my district in East Texas is one of the driest regions in the state. For months, parched fields have forced Texas ranchers to purchase feed or hay to feed their herds. The dry conditions and the increased demand, however, have made hay scarce and expensive. Texas ranchers are spending an average of $3.5 million a day in extra feed costs to support their herds.

All agricultural producers in Texas, not just the ranchers, are suffering through the second severe drought to hit Texas in three years. Total farm and ranch losses from the drought are now estimated to reach $2.1 billion statewide, with an overall impact to the state economy estimated at $5.8 billion. Other factors, such as a glut of foreign cotton and bumper crops of grain in the Midwest are driving down commodity prices and compounding an already disastrous year for Texas farmers.

I return home to East Texas every weekend, and every time I do, I hear from another farmer who doesn't think he will make it to next year. Mr. Speaker, these are families who have been farming and feeding the country for generations. These farmers are highly skilled and very efficient, but no farmer, no matter how competent, could get through this year unscathed. And it is not just the farmer who suffers—every time East loses a farming family, the ripple effect is felt throughout the local economy.

Mr. Speaker, we absolutely must take this opportunity to address the crisis in the Texas farming community. We have to provide emergency funds to give the USDA the flexibility to address the needs of Texas farmers and ranchers. With emergency funding, Secretary Glickman can fund the Disaster Reserve Assistance Program to provide feed assistance to ranchers and provide increased flexibility for indemnity payments to producers who have lost their crops. It is only an initial step, Mr. Speaker, but it is a step we must take as soon as possible.

Mr. RODRIGUEZ. Mr. Speaker, I rise in support of the motion to instruct conferees to agree with the Senate amendments to the Agriculture Appropriations Bill for Fiscal Year 1999 providing emergency funds for agricultural disaster assistance. Our nation's farmers and ranchers, especially those in Texas, have faced extremely difficult financial times due to brutal natural disasters and very low commodity prices over the past five years. They need these emergency funds, and they need them now.

Texas farmers have suffered extraordinary losses. This summer's extreme heat and drought conditions have resulted in near total crop losses for every county I represent. The drought has forced many Texas ranchers, who cannot afford to feed cattle any longer, to liquidate their herds. The crisis has cost the state nearly $2 billion in economic losses.

Our nation cannot sustain this type of loss. Farmers and ranchers in Texas and other states deserve our assistance in this time of extreme need. They feed us and clothe us providing high quality agriculture products throughout the year. Supporting the Senate amendment for emergency funding is an essential step in the right direction.

We cannot afford to put anymore farmers and ranchers at risk. Although the Senate increase is minimal, it is necessary insurance for our nation's farmers and ranchers who risk losing their livelihood.

Mr. BISHOP. Mr. Speaker, after experiencing one weather-related disaster after another, including this year's drought, the future of production agriculture and family farming in middle and south Georgia faces a threat of almost unprecedented proportions.

This is not a sudden, overnight crisis. Farmers, bankers, and communities dependent on production agriculture have been in a crisis mode for some time.

Our farmers have faced a threatening situation that has now become even more severe.

Over the past few weeks, I have visited farms to meet with farmers all across the Second District and to see first-hand the destruction that has been wrought by the droughts and other disasters which have struck our area. Indeed, as mentioned by Ms. KAPTUR, the University of Georgia has estimated farmgate value lost this year at over $767 million.

Farmers want indemnification payments that will give them the same kind of safety-net our government offers to other nations in Asia, such as South Korea, Thailand, Indonesia and the Phillippines—to bail them out in their time of crisis.

Farmers want relief from high production costs and low commodity prices.

I promised I would carry that message back to Washington and work with my colleagues in Congress and the Administration to get some relief.

I am pleased to join my colleagues in supporting this motion to instruct the Ag Appropriators to designate disaster spending as "Emergency Spending" under our current Budget Rules.

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

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

Ms. KAPTUR. Mr. Speaker, I move the previous question on the motion.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. COBURN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

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

The vote was taken by electronic device, and there were—yeas 331, nays 66, not voting 37, as follows:

[Roll No. 430]

YEAS—331

Abercrombie	Bateman	Bonior
Ackerman	Becerra	Bono
Aderholt	Bentsen	Borski
Allen	Bereuter	Boswell
Andrews	Berman	Boucher
Armey	Berry	Boyd
Bachus	Bilbray	Brady (PA)
Baesler	Bilirakis	Brown (CA)
Baker	Bishop	Brown (FL)
Baldacci	Blagojevich	Brown (OH)
Ballenger	Bliley	Bryant
Barcia	Blumenauer	Bunning
Barrett (NE)	Blunt	Burton
Barrett (WI)	Boehlert	Buyer
Barton	Boehner	Callahan
Bass	Bonilla	Calvert

Camp
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Farr
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Gordon
Granger
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Scott
Serrano
Sessions
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Strickland
Stump
Stupak
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (FL)

NAYS—66

Archer
Barr
Bartlett
Brady (TX)
Burr
Campbell
Cannon
Christensen
Coble
Coburn
Cox
Cubin
Doolittle
Duncan
Ensign
Ewing
Fox
Frelinghuysen
Goodlatte
Goodling
Greenwood
Hayworth
Hefley
Herger
Hoekstra
Hostettler
Istook
Johnson, Sam
Jones
Klug
Largent
Latham
Leach
LoBiondo
Manzullo
McIntosh
Moran (VA)
Myrick
Neumann
Nussle
Pappas
Paul
Paxon
Petri
Pitts
Pombo
Radanovich
Roukema
Royce
Ryun
Salmon
Sanford
Scarborough
Schaffer, Bob
Sensenbrenner
Shadegg
Shays
Smith (MI)
Smith (OR)
Snowbarger
Stearns
Sununu
Taylor (NC)
Tiahrt
Wamp
Weldon (FL)

NOT VOTING—37

Clayton
Engel
Eshoo
Fattah
Gonzalez
Goss
Graham
Green
Harman
Hastings (FL)
Jefferson
Kennedy (MA)
Lewis (GA)
Manton
McGovern
McIntyre
Meeks (NY)
Mink
Morella
Nadler
Oberstar
Owens
Pelosi
Poshard
Pryce (OH)
Riggs
Rohrabacher
Schumer
Smith, Linda
Stabenow
Tierney
Torres
Towns
Velázquez
Weygand
Wynn
Young (AK)

□ 1149

Mrs. CUBIN and Messrs. SENSENBRENNER, GOODLATTE, COX of California, WELDON of Florida, PAXON, WAMP, GREENWOOD, TAYLOR of North Carolina, FOX of Pennsylvania, and COBLE changed their vote from "yea" to "nay."

Messrs. SCOTT, BACHUS and LEVIN changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PORTER. Mr. Speaker, on rollcall No. 430, I intended to vote "no" and inadvertently instead voted "yea" and did not realize my error until the vote was announced.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion to instruct offered by the gentlewoman from Ohio (Ms. Kaptur).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

Messrs. SKEEN, WALSH, DICKEY, KINGSTON, NETHERCUTT, BONILLA, LATHAM, LIVINGSTON, Ms. KAPTUR, Mr. FAZIO of California, Mr. SERRANO, Ms. DELAURO, and Mr. OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4103) making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4103, be instructed to reduce, within the scope of conference, the maximum amount possible from appropriations for low priority congressionally-directed projects not requested in the FY 1999 Defense Department budget request and apply those funds to alleviate high priority military readiness needs for spare parts, quality of life programs, training exercises, retention bonuses, and recruitment incentives.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from Florida (Mr. YOUNG) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Speaker, my understanding is that the majority party leadership is contemplating an emergency spending supplemental to add substantial sums of money for military readiness to be paid for out of the surplus. The concerns for slippage in military readiness are legitimate and I share them. What I do question is whether this Congress needs to spend sums out of the surplus to take care of those needs when it is evident that we have not come close to squeezing low priority pork barrel spending out of this bill so that that spending can be shifted to meet those legitimate readiness needs.

A lot that often happens in this town is enough to give hypocrisy a bad name, and on this issue I think we have the same principle operating. This Congress has added $20 billion to military budget requests of the President over the last three years. The vast majority of that money, over 85 percent, has not gone to address readiness shortfalls about which we now hear so many crocodile tears. It has gone for procurement and research, some of it useful, much of it of low priority to meet the political needs of Members for things like additional C–130 aircraft that the Pentagon has not asked for, or questionable studies of the Aurora Borealis. It has been reported that there is $4 billion in the House defense appropriation bill this year for congressionally-directed projects not requested by the Pentagon.

I want to say that I am not a Percy Pureheart on these items.

□ 1200

I think there are times when the Congress has a perfect right to substitute its judgment on the need for projects for that of the executive branch. I recognize that that is our prerogative. What I do object to is when we go overboard in the process, and I would like to say that we ought to be able to take at least one-fourth of the congressional add-ons that in my judgment, and in the judgment of many others who know a lot more about it than I do, were made principally to meet the political needs of Members of Congress rather than to meet the defense needs of the country, and we ought to take that money, eliminate those low-priority projects and move that into true readiness portions of the budget for things like quality-of-life improvements for troops, spare parts, recruitment and retention initiatives.

Mr. Speaker, this amendment does not specifically require a specific amount to be moved, but it does instruct the committee, to the maximum possible extent, to move whatever items they can move out of these low-priority pork and project areas into readiness parts of the budget.

Now, I earlier mentioned hypocrisy. We have seen this Congress on several occasions bemoan the very shortfalls that it has helped create.

One example: Just last year, when the leadership of this House attacked the Clinton administration intelligence budget for being too low and then proceeded to cut it even more in order to free up more money for congressional pork.

I do not, as I said, object to the Congress occasionally exercising its independent judgment on the values of some of these projects. What I object to, whether it occurs on the highway bill, or the committee of jurisdiction added over 1,800 pork barrel projects, or whether it happens in this bill, what I object to is when the practice of adding these projects becomes so gross that in the end that itself drives through this place legislation which otherwise would be considered in a more thoughtful way and with a more skeptical eye.

And so I simply want to repeat: This Congress has added in the last 3 years over $20 billion in military spending, 85 percent of which went to nonreadiness accounts for destroyers that the Pentagon did not ask for or C–130s the Pentagon did not ask for and other items.

In my own district, I have tried to eliminate one military project for 14 years and still have not had any success. I do not know if there is another Member of Congress who has asked the Congress to eliminate a project in his own district. I have not succeeded, but I am going to keep trying.

But what I object to is the mind-set on this bill that always assumes that money should be spent, rather than saying that the burden of proof falls on those once in a while who want to spend the money.

It just seems to me when we are told that there are 11,000 military personnel who are still on food stamps, that what we ought to be doing is putting our money in places that alleviates that demeaning need for them to ask for food stamps when they ought to be compensated at a level decent enough to avoid having to ask that, and it seems to me we ought to be putting our money into items like that and into other areas of readiness rather than putting so much of it in items that are simply here to make the grease on the bill move the bill a little faster through the process.

So that is all this motion does, and as I said, out of deference to the committee I did not specify any specific dollar amount because the committee knows which items are pork and which items are truly high-priority congressional differences of judgment with the executive branch, and it seems to me that the House ought to adopt this motion and get on with the other business that faces us.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I want to thank the gentleman from Wisconsin (Mr. OBEY) for bringing this motion to instruct before the House. I do not have any problem with what he is suggesting here because this is what we have been trying to do since we became the majority party and I have had the privilege of chairing this subcommittee. We have tried our very best to eliminate any pork-type spending in the defense bill.

Now we are dealing with 435 Members of the House, 100 Members of the other body, and sometimes it might not be quite as easy as the gentleman from Wisconsin (Mr. OBEY) would suggest, but we do work at it.

And another reason I am glad that he raised this issue: Part of his motion says to apply those funds to alleviate high-priority military readiness needs for spare parts, quality of life, training exercises, retention bonuses and recruitment incentives. That is really one of the big things that we did in the House bill where we added to the President's budget. And we would admit the President's budget was very short in those areas. In our committee we added $215 million over the President's budget for those spare parts.

More is needed. There are still airplanes in hangars that cannot fly because they do not have spare parts to fix them. There are other problems with spare parts throughout the services. So we agree with that, that we need more money in spare parts.

Quality of life: We added right at a billion dollars for quality-of-life issues, and one of the things that we added over the President's budget was for housing for people who work in the military and live in military housing, so that they have a decent place to live, a decent quality of life. And despite the fact that in the last 3 years we have added considerable money over the President's budget, there is still much to be done to repair and maintain some of the military housing.

For training shortfalls, again as the gentleman from Wisconsin (Mr. OBEY) refers to it, he is right. We added $560 million over the President's budget. These are congressional initiatives over the President's budget for training shortfalls, retention and recruiting, again a serious problem. People are leaving the military in large numbers. Recruiting schedules are off. Except for the Marine Corps, who are on schedule, the other services are behind in their recruiting. So we added $85 million over the President's budget for retention and for recruiting.

We understand these problems, and we are doing the best we can. But I also want to say, Mr. Speaker, that there have been many programs that have been created by the Congress that the Pentagon did not want at the time, and most of those have proved to be very successful. I want to talk about just one or two of them.

Remember our committee was involved some years back in saying to the Defense Department that we need more sealift, we need the ability to get there from here, and the Pentagon objected; they did not like this idea at all. But we went ahead, and we did it anyway, and we bought the fast sealift ships. When Desert Shield, the buildup to Desert Storm, came about, they were all thanking their lucky stars that Congress pushed the program to create the sealift.

Airlift falls into the same category. We pushed the C–17, which now everyone in the world says is one of the smartest things we ever did. Again a push by the Congress over the objections of the Pentagon.

In the last 3 years we have had to add over a billion dollars, congressional adds, because the President's budget was so short when it dealt with health issues, when it dealt with the health care of those who serve in the military and their families.

The list is very long, Mr. Speaker, but I want to say to the gentleman from Wisconsin (Mr. OBEY) and to all those in the House, we recognize our responsibility to the Members of the House and to the Members of the other body, and we recognize our responsibility to those who serve in uniform.

I have a son who is enlisted in the military, and I can tell my colleague, the gentleman from Wisconsin (Mr. OBEY), he does not get enough money,

he does not get paid enough. He does not have to live on food stamps because mom and dad tend to take care of some of his other financial requirements. But the lower ranks in the military are not paid enough. And the congressional initiative for fiscal year 1999 is to increase the President's budget request for pay raises by another half a percent. Not enough, not enough yet, but at least a signal to those who serve in the military that we recognize their needs.

So what I am saying, Mr. Speaker, is I do not object to the gentleman from Wisconsin's motion because I agree with it. But I wanted to point out that we are trying to do the very things that his motion directs us to do, and as we go through this conference, we will continue the effort to make sure that whatever comes out in the final defense appropriations bill will be something that the military has a requirement for, that it responds directly to our national security and that there is a real need for it.

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

Mr. OBEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I would point out that the gentleman has indicated a number of things which are factually correct, but I think they need to be placed in broader context.

Example: At one point under the previous administration, the Bush administration, there was a complete pause in funding improvements to quality-of-life items for our troops in a number of areas.

I would also point out that the President just today is engaged in a readiness conference with the Joint Chiefs.

The reason that I raised this motion today is simply because I find it ironic that the Congress is considering adding a special supplemental to deal with readiness issues before it has eliminated a good deal of the waste and low-priority pork initiatives that this Congress has been renowned for through the years.

And I want to give my colleagues another example. The highest priority request from the Navy was to fund F–18s to replace aging F–14 aircraft. Thirty-one of those F–14s have gone down! Those planes need to be replaced, and yet the House cut that request in order to fund additional C–130s that the Pentagon had not asked for. Those C–130s were directed to the National Guard. And we should not kid ourselves, most of them were done that way simply to meet pork requests from Members of Congress who are trying to represent the need of their districts.

People will say, "Oh, gee whiz, but some of those C–130s are hurricane fighters." The fact is that the Pentagon showed there was another way to provide hurricane-fighting capacity by having greatly updated C–130s provided in those same areas but not going through an expense that was four times as high by providing new planes rather than updated older versions.

My point is simply that we could have met that need in a cheaper way and still maintained our ability to provide the No. 1 priority that the Navy had: F–18s. And yet this Congress, or this House at least, choose up to this point not to do so.

□ 1215

It just seems to me that this Congress ought to adopt this motion and really mean it and bring a bill back from conference that does eliminate many of the low priority pork items that the committee has added to the bill simply to garner votes for passage of the bill.

Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. HEFNER), the distinguished ranking member on the Subcommittee on Military Construction.

Mr. HEFNER. Mr. Speaker, first of all, let me say that in the years that I have been on the Committee on Appropriations, the Subcommittee on Defense, and served for a time as chairman of the Subcommittee on Military Construction and now the ranking member, the gentleman from Pennsylvania (Mr. MURTHA), when he was the full chairman, served with distinction. Now the job has been passed on to the gentleman from Florida (Mr. YOUNG), and he has served with distinction, and we would like to believe that we have done a magnificent job with the limited funds that we have.

I agree with the gentleman from Wisconsin (Mr. OBEY) that priorities sometimes do not go where they need to be. For instance, in all of the time that I was chairman of the Subcommittee on Military Construction, every year, year after year after year, we fell further behind in quality of life as far as the housing for our men and women in the service. This was not a high priority for anybody except the people that were in the service, and for retention, this should have been one of our very, very high priorities. We should not have had to really push to add monies and take monies out of the defense bill and put on to military construction, but our military construction bill and quality of life has continued to decline. When we consider inflationary pressures, we have continued to decline, and we are not doing what we should be doing for quality of life for our family housing.

Mr. Speaker, I think that this is a modest amendment, and I think it points out that when we go to conference, we need to be very strong in our scrutiny of the add-ons and for the so-called pork. What is pork to some people, what is pork in one district is vital to another district. We like to think that we have done a good job, and I commend the gentleman from Florida (Mr. YOUNG) for being one of the fairest chairmen that I have ever served under. I pledge to the gentleman from Wisconsin (Mr. OBEY) that for the remainder of my tenure here, I will work very, very hard to do what I believe to be the responsible thing with the limited dollars that we have.

Mr. Speaker, if I may on a personal note, it has nothing to do with this amendment, but in all the hubbub that we have been having lately, it was alluded to that the terrorist attack that we had on the bases was a personal thing to divert attention. I am not going to get into that argument, but I want to say this. I have been knowing General Shelton, who is a chairman of the joint chiefs, I have been knowing him for years and years and years, and for anyone to insinuate that he would go along with an operation like this is absolutely ludicrous, and I take it personally. I would think that anybody who would insinuate that personally owes an apology to General Shelton who is one of the finest public servants and one of the finest military people who would never stand for anything of this nature and would not go along with it.

Mr. Speaker, with that I urge that we support the motion of the gentleman from Wisconsin (Mr. OBEY) and that the committee, when we go to conference, look at the differences with the other body and come up with a bill that we believe is responsible and does the job for our military men and women, also for quality of life and the things that need to be done for the defense of this great Nation.

Mr. YOUNG of Florida. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM), a very distinguished member of the Subcommittee on Defense Appropriations, who is also a very distinguished fighter pilot.

Mr. CUNNINGHAM. Mr. Speaker, I would like to tell Members one of the best committees we have in Congress and works in a very bipartisan way is the Committee on National Security on authorization and also on the Committee on Appropriations, the Subcommittee on Defense. Republicans and Democrats focus on a general area and they work in the same direction, and that is national security for the United States of America.

I would like to make a statement that I would like my colleagues to listen to, and that is that even at a low funding rate, under the balanced budget, defense of this country could survive under the balanced budget figure. Would we be strong? No, but we could survive. Could we do 2 MRCs starting now? I do not believe that is the case.

But what the problem is is that the President has us operating at 300 percent above what it was in Vietnam, if we take an already low defense budget

and then we pile on top of that $40 billion because the White House has us deployed all over the world. Some of those places I supported, like Iraq, that the President tried to fight. But we have to pay for those things. That mostly comes out of our operation and maintenance funds. We find ships that are not repaired, we find sailors that are not going.

Mr. Speaker, we are going to lose, and I want my colleagues to listen to this on both sides, between now and over the next 5 years, even if we invest, we are going to lose a great number of aircraft and pilots in our services. Operation Tempo being 300 percent above, the number one issue for sailors and pilots getting out is family separation. Our sailors are getting worked to death. They are away from their families. They are hurting so bad that we are only maintaining 24 percent. When we say we need to recruit, we need to keep the experienced people that are in the service and not kill them through working them 20 hours a day every day and being away from their families. Mr. Speaker, 24 percent, which means our experience level is going. We are only maintaining 33 percent of our pilots.

The gentleman talks about, well, the Pentagon did not ask for it. In an already low budget, that is one of the things that is kind of smoke and mirrors. The Pentagon does not ask for it. If we ask the Pentagon what they really need and they will tell us they need these things. I talk to them almost every single day and I know most of them by their first names.

Let me tell my colleagues about some pork in my district if we want to call it pork. Captain O'Grady was shot down by a SAM over in Bosnia. When we were in Vietnam he shot a Shrike at a missile site and then they went to standard arm. Those weapons only have a 10 percent, we call it PK, kill probability to take out that weapon. In my district we have a 7-inch tube that uses GPS that will take out that site 95 percent of the time.

Now, some call that pork; I call it survivability of our men and women in our services, and that should be a priority.

The training. Oceana just announced that they normally have 45 F-14s to train their pilots, and the gentleman talked about training. They only had 4. So the capability to train the brand-new pilots coming into the Navy, and then they go overseas with a lack of training, that is all a degradation. We could do it with the balanced budget figures, but we cannot continue to pay for this White House extravagant overseas deployment.

Bosnia. Bosnia, $12 billion that comes out of the defense budget. I would say to my colleagues on both sides of the aisle, there are national security needs. We need to provide for those, and we are deficient. Just listen to the Joint Chiefs of Staff. Yes, they have to speak the words of the President, such as morale is good. We are near disaster, but when we talk to them, we are in a hollow force. GAO says we are $150 billion short.

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

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 2½ minutes.

I wanted to explain, and again, I have had a number of questions from Members as to what I intended to do on the Obey motion. As I said in my first comments, I intend to support it, because I think it is appropriate that we make sure that whatever goes into the defense appropriations bill actually deals with national defense. So I have no problem with that. In fact, I do support it. But I wanted to make this point.

There is a serious shortfall list that the services, the Army, the Navy, the Air Force and the Marine Corps have provided to us, as members of the subcommittee, listing things that they need, but they could not fit into the overall budget. Now, many of the Members who have asked to have congressionally-directed adds put in this bill, many of those Members are asking that the shortfall list be dealt with. The Members who are very knowledgeable on national defense issues in this House, and there are many who are knowledgeable, they are working toward the same shortfall list that the Department of Defense has provided for us during our hearings. We will be very careful to make sure that anything that we add over the budget will fit into the category of having a direct national defense effect, and number 2, that there is a requirement for it.

So for those who are questioning how I intend to vote on the Obey motion, I intend to support it because I see nothing at all wrong with it.

Mr. Speaker, I want to take another minute. The gentleman from Wisconsin (Mr. OBEY) mentioned the F-14. He is right, the F-14 had a pretty serious safety record. I led the fight in the committee for years to reengine the F-14s to eliminate the TF-30 engine that was causing many of the accidents and the problems. As the airplane got older, the Defense Department decided not to continue the reengining program because the airplanes would be going out of the inventory. But those F-14s that are going out of the inventory are not nearly as old as some of the C-130s that we are replacing with those that we add today. Some are as many as 40 years old. Yes, some of them are hurricane hunters. Others are refueling tankers used by the Marine Corps and are 40 years old. I just do not think that people who are in uniform and given a mission to fly into a hostile situation should have to fly an airplane that is 40 years old. Frankly, an airplane at 40 years old should not be in the air.

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

The SPEAKER pro tempore (Mr. CALVERT). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Without objection, further proceedings on this question are postponed.

There was no objection.

The SPEAKER pro tempore. The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct, and that I may include tabular and extraneous material.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4112, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1999

Mr. WALSH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4112) making appropriations for the Legislative Branch for fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment and agree to the conference asked by the Senate.

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

There was no objection.

□ 1230

MOTION TO INSTRUCT OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SERRANO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4112, be instructed to bolster the Capitol police force by concurring in the Senate amendments that restore $4.197 million of reductions passed by the House for Capitol Police salaries and Capitol Police general expenses.

The SPEAKER pro tempore (Mr. CALVERT). The gentleman from New York (Mr. SERRANO) and the gentleman from New York (Mr. WALSH) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I will withhold my comments until we hear from the gentleman from downstate New York.

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

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

Mr. Speaker, I believe this is a motion every Member can support. This has been an extraordinary year for the Capitol Police and its police force. We have seen the first deaths of Capitol Police officers in the line of duty in many years. U.S. embassies have been bombed by terrorists, and the U.S. has responded to this terrorism with missile attacks. All of this raises the perception of threats, if not the actual threats to U.S. interests and institutions all over the world.

The Capitol, of course, is one of the great symbols of our Nation. Therefore, it is occasionally a target of people with seriously deranged thinking or violent anti-American views.

The Capitol is also the seat of the people's branch of our government and the destination of thousands of visitors every day, both constituents and tourists, as well as high-ranking officials of our own government and leaders from all over the world.

I suppose we could be much safer and perhaps also save money if we chose to wall the Capitol complex off from the people. But I believe everyone here would strongly oppose that approach to security.

Instead, Mr. Speaker, the people's branch must remain open to the public. It is our duty, often through this bill, to make sure that the Capitol Police have the resources they need to keep this open campus safe and secure for Members, staff, employees, visitors, and guests.

As threats evolve, responses must evolve, and the Capitol Police must have the resources for the personnel, training, and technology they need.

Mr. Speaker, as I have said before and will no doubt say again, the gentleman from New York (Mr. WALSH) has done an excellent job in putting this bill together. I think our initial decisions on funding levels for the Capitol Police were entirely appropriate.

But since our bill passed the House in June, we have seen the unfortunate murders of Officers Chestnut and Gibson, the bombings of U.S. embassies in Kenya and Tanzania, and the resulting missile attacks on terrorist locations.

All of this has increased the obligations of the Capitol Police, increased the need for overtime, caused new thinking on the physical security needs for the campus and the need for additional resources.

As a first step to that end, and of course there will be additional and more substantial steps, I urge my colleagues to support this motion to instruct conferees, to accept the Senate figures for the Capitol Police.

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

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

Mr. Speaker, I am delighted to accept the gentleman's motion to instruct the conferees. I think it is very constructive. It puts the House squarely in a position where we see the wisdom of the Senate's decision to fund these given the events that my good friend, the gentleman from New York (Mr. SERRANO) has mentioned, especially the tragic events that occurred last month involving the loss of our two officers, Chestnut and Gibson.

We really need to enhance our security, and certainly we need to reward the professionalism and the high quality of service provided by our Capitol Hill Police.

So we see this as constructive and support the motion.

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

Mr. SERRANO. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New York (Mr. SERRANO).

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the motion to instruct and that I may include tabular extraneous material.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. Walsh, Young of Florida, Cunningham, Wamp, Latham, Livingston, Serrano, Fazio of California, Hoyer, and Obey.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

Mr. WOLF. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4328) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1999, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SABO moves, that in resolving the differences between the House and Senate, the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4328, be instructed to disagree to a provision in the Senate bill that amends the Alaska National Interest Lands Conservation Act to allow helicopters unrestricted access to wilderness areas in Alaska.

The SPEAKER pro tempore. The gentleman from Minnesota (Mr. SABO) and the gentleman from Virginia (Mr. WOLF) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

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

Mr. Speaker, when H.R. 4328, the fiscal year 1999 transportation appropriations bill passed the House, it was a bill that was relatively free of antienvironmental riders. However, the Senate has attached to the bill several controversial riders that undermine important environmental protections.

Mr. Speaker, this Motion to instruct addresses the most controversial of those riders which would amend the Alaskan National Interest Lands Conservation Act to permit helicopters to operate inland in all national wildlife refuges, national parks and wilderness study areas in Alaska. This motion to instruct directs the House conferees to disagree with this provision which is not in the House bill.

Mr. Speaker, the Senate rider has no place in the transportation appropriations bill. First, the provision is a legislative provision that amends the Alaska National Interest Lands Conservation Act, a law that is within the jurisdiction of the House Committee on Resources.

Second, this provision is not simply a provision to clarify as some have claimed. It would rewrite 18 years of national environmental policy with potentially far-reaching impacts that, according to the National Park Service, could fundamentally change the character of national parks in Alaska.

Currently, helicopter landings are allowed in Alaska wilderness areas only for emergency reasons and on a case-by-case basis for nonemergency uses in nonwilderness areas. These restrictions were carefully constructed when ANILCA was adopted in 1980.

This amendment would lift those restrictions, allowing helicopters to land routinely in the remote areas of the

Tongass National Forest, the glaciers of Kenai Fjords National Park, and the inlets of Glacier Bay, primarily for the benefit of helicopter tour operators and cruise ship passengers who want to take these sightseeing tours.

Mr. Speaker, the administration has strongly objected to this provision. The Secretaries of Interior and Agriculture have previously recommended that bills containing similar provisions be vetoed. Federal land management agencies have already considered the expanded use of helicopters on wilderness lands in Alaska and found it to be inappropriate.

Numerous environmental groups also have objected to this provision. They fear that the constant buzz of helicopters dropping tourists into fragile ecosystems on the tops of mountains, near isolated lakes, and in other pristine areas for purely recreational purposes could destroy the very essence of these wild areas, disturb wildlife, and disrupt habitat protection activities for threatened and endangered species.

Further, hunting and sporting organizations have objected to this provision. They are asking us to safeguard default hunting and sporting opportunities in Alaska by rejecting this provision.

Mr. Speaker, this anti-environmental rider is controversial and complex and should not be included in the conference report on the transportation appropriation bill. I urge adoption of this motion.

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

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on the motion to instruct and that I may include tabular and extraneous material.

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

There was no objection.

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

Mr. Speaker, I rise in very, very strong support of the motion to instruct the conferees offered by my good friend, the gentleman from Minnesota (Mr. SABO).

The Senate version of the FY 1999 Department of Transportation and Related Agencies Appropriations bill includes a rider which would amend current law to change "airplanes" to "aircraft" to allow helicopters to operate and land in conservation systems units in Alaska, including wilderness areas and wilderness study areas. To permit helicopters in Alaskan wilderness and other conservation areas would be a travesty and, quite frankly, just flat wrong.

If the Senate provision were adopted, there would be widespread commercialization of the Alaska wilderness. Recreational helicopters, operated by tour companies, would penetrate and land in parks, wilderness and other conservation areas, significantly altering the experience of the park and threatening the resources of these very special places.

Opening these conservation units in Alaska to aircraft access is opening them to virtually unlimited access. Helicopter use has few limitations. Virtually any area can be accessed and any small clearing is suitable for landing. Furthermore, the Senate provision opens the door not only for helicopters but also for hover craft, ultralights and virtually any and every technological innovation that personal aircraft industry may produce.

Unrestricted helicopter access, operations and landings would disrupt ongoing conservation efforts in the national parks, national wildlife refuges, national forests and on the public lands. Scientific research has demonstrated that helicopter noise levels can adversely impact wildlife. The noise and wind disruption from helicopters would impact the caribou, the moose, the waterfowl, raptors and other bird species, brown and black bears, and certain other animals and mammals.

Unrestricted helicopter operations would destroy the very essence of these wild areas, by allowing helicopter-borne recreation, hunting and fishing access to areas of this country that we have determined to be pristine, and would be absolutely wrong. Poaching and other illegal hunting would also, I think, become commonplace.

The Senate amendment should be resoundingly rejected by the House. We must protect our Nation's wilderness areas for generations to come. We must not permit the commercialization of national wilderness lands and allow tour operators to destroy these untarnished areas, all for the sake of a couple of dollars.

I favor the gentleman offering the amendment and strongly urge the Members to support it.

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

Mr. SABO. Mr. Speaker, I thank the chairman for his support of this motion.

Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Speaker, I thank the gentleman from Minnesota (Mr. SABO) and I also thank the chairman for his comment in accepting this motion by my colleague, the gentleman from Minnesota (Mr. SABO).

Mr. Speaker, I rise in certainly strong support of it. I would just point out to my colleagues that Alaska under the land use laws that were passed in ANILCA and in other land use laws is already treated special by permitting airplanes to land within some parks, wilderness and refuges. We do not permit helicopters landing in wilderness or on an open basis in refuges, or certainly in our national parks in the lower 48, and/or any aircraft for that matter, other than that we do have some of the Frank Church wilderness, some landing strips which were preserved there.

Congress and the law already treats Alaska special by permitting aircraft and other access with special transportation through these stretches of wilderness of refuge and parks in Alaska. We already do that. What is being proposed here is that you take off almost all restrictions with regards to the penetration of helicopters, ultralights in wilderness, parks refuges in Alaska, basically in such a way as would substantially damage these areas.

We are not talking for safety and health reasons in this case. We are talking for sport purposes, for tourist purposes and, in fact, of course, you prevent the basic aircraft definition in law and the business that has been built up in Alaska today relying upon the current law.

As far as sportsmen are concerned, I do not think it takes much imagination to recognize if you can put a helicopter into a key area where you have some of the trophy hunting that might go on, it would not be long before there would not be many of those species left that are so desirable.

□ 1245

That is why I think some of the hunting groups have spoken out against this, recognizing that it is really destroying this last great stretch of wilderness and these special areas which serve as home for the spectacular species.

So, I certainly rise in strong opposition to this proviso in the Senate-passed measure and would point out that there is no technical mistake in the law. Some of my colleagues and I were here when this law was enacted. Senator GLENN and others were active. Obviously, our good friend and my mentor, Mo Udall, was here and when he wrote this there was a pretty big debate about what constituted transportation in this area at that time and how we are going to conduct ourselves, and extended some privileges and some opportunities, I think practically, to the residents of Alaska and others to facilitate the transportation and use of such significant areas under the special land designations.

Mr. Speaker, the legislative language points out the use of some motorized vehicles such as snowmobiles and others in the report language explaining intent. So, it is very specific in terms of how it deals with and defines airplanes. Thus, the effort to try and rewrite and suggest that words mean what we say they mean by our two esteemed Senators from Alaska that

have placed this in the language here is just dead wrong.

Mr. Speaker, I would urge my colleagues to support the Sabo motion, as the gentleman from Virginia (Chairman WOLF) has offered to do, and for them to stick by this recommendation in the House in conference. It is an important change, an unnecessary change, and we should not accept it legislatively. We should not accept it in this end-around, rider process that is being practiced all too often, I might say, by the Senate and by others in the appropriation process. This motion should be supported and these proposed Senate amendments eliminated.

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

Mr. MARKEY. Mr. Speaker, I rise in support of the Motion to Instruct the conferees on the bill H.R. 4328.

Section 342 of the Senate-passed version of the Transportation Appropriations Bill contains an extremely controversial legislative rider which would amend the Alaska National Interest Lands Conservation Act to allow commercial and private helicopter fly and land in Alaskan wilderness areas, National Parks, National Wildlife Refuges and National Forests.

This is an ill-advised rider. Helicopters simply do not belong in Congressionally designated wilderness areas, except in cases of emergency, which is already permitted by law. The concentrated noise that helicopters produce and their ability to hover, move slowly, and descend anywhere can drive wildlife out of habitat areas and destroy the wilderness experience of those visiting these protected places.

Some in the Republican Majority seem to be spending half their time trying to pass laws like the so-called American Land Sovereignty Protection Act (which was supposed to protect us from an invasion of imaginary black helicopters), and the other half of their time trying to allow real commercial helicopters to buzz through pristine wilderness areas, disrupting the wildlife, annoying campers, hunters, and hikers.

The Alaska National Lands Conservation Act contains a carefully crafted compromise which allows fixed-wing airplane landings in Alaska's wilderness areas. This provision in current law was adopted because Congress recognized that airplanes were a reasonable and necessary way to reach some of the remote wilderness areas in Alaska, and they cause only a fraction of the noise and disturbance produced by helicopters. To now undo this compromise and allow helicopter landings in wilderness undermines the original intent of the Wilderness Act of 1964 and the Alaska National Lands Conservation Act of 1980.

We have had no hearings on such a significant change in national wilderness policy in the Resources Committee, which is the jurisdictional authorizing Committee. We have had no process. No bills have been introduced in the House that would authorize such a change in the law. We have heard no testimony as to why Congress should undo the compromise which was struck back in 1980 when we last considered this issue. In 1996, the U.S. Forest Service considered a request to allow helicopters to land in the Tongass National Forest, but rejected it due to public opposition. Shouldn't we at least have a single hearing before we tell the helicopter pilots: Gentlemen, start your engines?

Sportsmen and conservation groups are opposed to this provision. This rider is opposed by the National Audubon Society, Sportsman's Network, the Wilderness Society, the Alabama Rifle & Pistol Association, the Alaska Wilderness League, the National Parks Conservation Association, the Alaska Center for the Environment, the Alaska Conservation Alliance, the Alaska Quiet Rights Coalition, the Alaska Rainforest Campaign, the Alaska Wildlife Alliance, the Denali Citizen's Council, the Southeast Alaska Conservation Council, and the Trustees for Alaska. In addition, this rider is also opposed by the Alaska Wilderness Recreation & Tourism Association, which represents more than 300 small Alaskan tourism businesses that depend on Alaska's wild lands and wildlife.

The Motion to Instruct would direct the conferees to oppose this ill-advised provision that would disrupt the wilderness character of Alaska's national parks and wildlife refuges. I urge my colleagues to support its adoption.

Mr. YOUNG of Alaska. Mr. Speaker, the motion to instruct conferees is unjustified and just boggles my mind. The motion in effect says the House of Representatives does not believe that helicopter landings in the millions of acres of wilderness areas of Alaska should be permitted. It says that if you're elderly, infirm, or unable to walk, you can't use the aid of a helicopter to see public wilderness areas.

These areas should be open to everyone, not just rugged backcountry hikers.

The provision inserted by Alaska's Senators simply clarifies what we thought helicopter operators should have the right to do: land where they have traditionally landed before such areas were designated as wilderness.

It must be remembered that Alaska has over 50 million acres of wilderness. This is an area half the size of California. If the Federal Government enacted legislation restricting aircraft flight over an area this size in any other State, there would be an outcry.

There has been an outcry in Alaska.

The land management agencies will not recognize the historical use of such aircraft in areas where they clearly operated prior to the passage of ANILCA or the Wilderness Act.

The Wilderness Act and ANILCA provide that helicopters can land in wilderness areas. Here is what section 4(d)(1) of the Wilderness Act says, "Within wilderness areas designated by this Act the use of aircraft or motorboats, where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable." I don't know about anyone else, but "aircraft" means airplanes and helicopters.

This is crystal clear, but ANILCA reinforced this further when it allowed valid existing access rights to continue. This is a fair and balanced approach in public lands policy because it doesn't take away rights and privileges that were enjoyed long before Congress designated wilderness in my State.

The problem addressed by the Senate provision is that land management agencies will not even recognize the historical use of helicopters—or any other aircraft like hot air balloons—in areas where they clearly operated prior to wilderness designation. For example, the U.S. Forest Service recently concluded a major record of decision in which it completely prohibited helicopter access to all wilderness areas in the national forests in southeast Alaska.

By doing so, it completely ignored the historical record by which helicopters had operated in these areas for over 40 years. Further, it made this decision even though the preferred alternative of an EIS done by the Forest Service specifically allowed for landings in wilderness areas, pursuant to written law. This was a political decision made in Washington and didn't reflect the record of the NEPA process which carefully analyzed the potential wilderness areas.

Let me describe the silliness of the situation. In these areas it is perfectly legal to land a plane on a river sand bar, or a grassy area, or even on a glacier on skis, but in the same area you cannot land a helicopter or hot air balloon.

Think about it—bureaucrats in Washington decided a fixed-wing airplane which needs hundreds of feet to land will have a worse impact than a helicopter or a hot air balloon, which can land on an area less than 15 feet by 15 feet.

In fact, a helicopter has less impact than a fixed-wing aircraft on the environment in many cases.

My colleagues considering the motion to instruct conferees need to evaluate these facts when they vote. But I want them to think of one more thing.

Helicopters now land in the wilderness—but only when it serves the interest of the government or special interests. Let me give some examples. Helicopters are regularly used to assist mountain climbers in trouble on Denali (also called Mt. McKinley). In fact, the Park Service has a special high-altitude helicopter on stand-by to help them. Another example is when the Park Service quickly issued a special permit for the Chairman of FERC to use a helicopter to land in a wilderness area of Glacier Bay National Park to inspect the area for a potential hydro site.

Federal agencies use helicopters in support of wilderness management. This is reasonable, but it has no less impact than the relatively few helicopter landings by non-federal operators.

The message here is—if you're a government official, enjoy helicopters in the wilderness. If you're a taxpayer—forget it. In their minds, people in wilderness areas are bad—unless you're a government employee.

This motion is wrong, unfair, and misguided, and I strongly urge its defeat.

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

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

Mr. SABO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Without objection, further proceedings on this question are postponed.

There was no objection.

The SPEAKER pro tempore. The point of no quorum is considered withdrawn.

APPOINTMENT OF CONFEREES ON H.R. 4194, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. OBEY moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 4194, be instructed to insist on the House position providing a total of $17,361,395,998 for the Department of Veterans Affairs medical care account.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

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

Mr. Speaker, I do not think this will take very long. Let me simply explain what is in this motion to instruct.

During House consideration of this bill a number of weeks ago, an amendment was adopted which reduced nonoverhead administrative expenses of the Federal Housing Administration by $303 million and transferred the funding to the Veterans Medical Care account. During that debate, I do not believe that anyone spoke against providing additional funding for Veterans Medical Care. There were, however, concerns about the source of the funding used as an offset for the increased funds. That concern was that reducing FHA administrative expenses by approximately one-third would cripple its operations with disastrous effects throughout the country.

Since that time, we have now had a ruling by the Office of Management and Budget, and it appear that the reasons for those concerns, because of that ruling, have now gone away. I am not sure what the rationale for their change of heart is, but apparently the general counsels of both OMB and the Department of Housing and Urban Development have determined that at least for fiscal 1999, the FHA does not have to have appropriated funds to pay for its nonoverhead administrative expenses.

If adopted by the House and followed by the conferees, the motion now before us would result in providing $17.36 billion for Veterans Medical Care in 1999. While this amount is still far below the $18.8 billion recommended by the veterans service organizations' independent budget, it is a big improvement above the $17.06 billion in the House-reported bill and higher than the Senate recommendation of $17.25 billion.

So, Mr. Speaker, my motion is very simple. It simply reaffirms the action of the House, providing an additional $303 million for Veterans Medical Care, but without the negative impact of virtually shutting down the Federal Housing Administration in order to do so, the concern which existed prior to the OMB ruling.

Since the OMB has now decided that the appropriated funds are not required for the FHA administrative expenses, this is, in essence, a win-win situation. Veterans health care is increased and, unlike the situation when the bill was before the House, it will not have to cripple its operating expenses in FHA in order to pay for it.

Mr. Speaker, I therefore urge all Members on both sides of the aisle to support the motion.

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

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding and I rise to support his motion to instruct.

Mr. Speaker, I was one that voted against the transfer of this money, because I am concerned about housing and the problems that we have had with the ownership and the goals of ownership of housing in the Nation and did not want to take away from the FHA program.

I know it was a tough vote at that time. It makes it a little tougher now to come back and realize that the scoring change is such that it does not damage FHA, but at the time clearly it was the impression and the representation that it did affect the FHA and the loan programs.

I am pleased to join in finding some transfer and ability to express my concern for the veterans health budget. The important work in terms of keeping those commitments to veterans, at the same time we do not depreciate the goals in terms of FHA housing.

Mr. Speaker, I know that my advocacy for housing is something that I take a second seat to no one with regards to that concern. I am pleased to have stood up at that time and spoken out. I sadly think that housing in this chamber, assisted and other types of ownership housing, is not something that appears to be very high in the priority agenda of this House. I wish we could work to gain much better support, but unfortunately today that is not the case and I think we are losing a lot of assisted and public housing which is very important to the constituents of my district.

We have a great housing agency in St. Paul in Minnesota, and, unfortunately, I think we are facing the very real prospect of losing a considerable amount of that assisted and public housing which is expensive and which is very, very much needed today because of the disparities in terms of incomes and the special populations that I represent of Southeast Asians and many others who are attempting to get by in our modern day economy.

As one of my mentors and teachers taught: On the average, things look all right, but nobody lives on the average. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for bringing this motion to the House today and support veterans and hope that in the future we can do better for the important housing programs in this Nation.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman from Minnesota (Mr. VENTO) for his support. I would simply say that with respect to housing in general, this Congress is going to have some severe problems in the coming 2 or 3 years because of some severe shortfalls that are going to occur in that account.

I am happy that OMB and the agency involved have now been able to make certain that we will be able at this juncture to fund the increase in veterans health care without crippling further the operation of the FHA housing account. I think it would be a very useful thing to accomplish and that is why we offer this motion and make clear that that is how everyone in the House feels.

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

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it would be very difficult for the chairman of the subcommittee to object to this amendment, for essentially the amendment confirms that which was the direction of the House. I must say that I am both a little confused and rather startled at the gentleman from Wisconsin (Mr.

OBEY), ranking member of the full committee, essentially carrying an amendment that would in its written form appear to limit the flexibility of the subcommittee that goes to conference with the other body.

While the Office of Management and Budget had told us that we needed to have these monies out of discretionary accounts for administrative purposes, and after we walked the plank taking money that otherwise could have gone to other vital needs in housing areas, essentially forced us in the direction of putting discretionary money into administrative responsibilities, they have now cut off that plank which was the plank that the gentleman from Minnesota (Mr. VENTO) found himself on and they have now had us on that plank and neatly cut it off.

My concern, though, is that there is little doubt that within Veterans Medical Care we have done all that we could to make certain that those accounts were reasonably funded. Indeed, our amount in the bill, before this amendment, was over the President's request. Over the President's request. I think both sides, especially members of the Committee on Appropriations, know that in a nonpartisan way we have been very generous to veterans' accounts. But also the Committee on Appropriations members know how important it is for us to maintain the integrity of our committee as we go to conference with the Senate.

Mr. Speaker, I am very disconcerted by the fact that we have not been able to fund subsidized rental accounts as we might have. The affordable housing accounts that the gentleman from Minnesota referred to could use additional funding. The money we are dealing with here are outlays at very high levels like 90 percent, so it puts very great pressure on the subcommittee in terms of the flexibility we need. Indeed, one might suggest that some of those other very vital accounts that are designed to help poor people might have received some relief if there was more flexibility going to conference with the Senate.

I know that it is not the intent of the ranking member of the Committee on Appropriations to create a circumstance where it is more difficult for us to do our work. But I do scratch my head at the ranking member repeating essentially what was the will of the House when they voted on that amendment.

Mr. Speaker, I want my colleagues to know that this subcommittee chairman, I am not sure about the ranking member, but this subcommittee chairman takes very seriously the direction of the House. And I consider every element of our bill to be the direction of the House as I go to work with the Senate.

I must say that if there is a pattern that could further undermine the entire Committee on Appropriations in its credibility in this body, it is by way of creating this kind of rigid stance on the part of the leadership of the committee itself.

I talked with the ranking member of the subcommittee just after I learned about this proposal, for he and I share our concern about making sure we have great flexibility, especially to deal with housing accounts, and I was astonished to learn that that was the first he had heard of this recommendation when I presented it to him.

□ 1300

So it seems to me that there is a disconnect here. I know that when the ranking member was in the majority on the Committee on Appropriations he would have been pounding the table at this kind of rigid direction. Nonetheless, I see this as an expression of the will of the House, and I do not know why the chairman should object to it.

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

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

I would like to make one comment, if I could have the attention of the gentleman from California. Surely this is not the most startling action that I have ever taken in the gentleman's eyes. The gentleman said he was startled.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I would say to the gentleman that I am certain it is not the most startling.

Mr. OBEY. All right.

Mr. Speaker, let me simply say that I do wish that we could have contacted the ranking minority member of the subcommittee. He was unreachable this morning because he was engaged in other activities. That is the only reason he was not contacted.

I think it is very clear that we are simply offering this motion because the House spoke clearly about its desire to fund the veterans' health care budget as fully as we could. But at the time it spoke, a number of Members were under the impression that that action could not be taken by crippling the FHA housing accounts. Since we now find out that that concern has been corrected by the OMB ruling, we felt this was the logical action to take, and that is why I offered the amendment.

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

Mr. OBEY. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I understand there is also a proposal, as the gentleman is aware, and I am not asking his position on it, that would expand the FHA limits, which has been something very much sought after by the administration. This particular change would not affect the expansion of those limits, is that correct, that the subject of difference will be within the conference?

Mr. OBEY. Mr. Speaker, reclaiming my time, I would say to the gentleman that, no, this does not have anything to do with that. On that issue, if I could take both HUD and several other parties to the issue and put them in a room and forget about them for 2 years, I would be happy to do that.

Mr. VENTO. Mr. Speaker, if the gentleman will continue to yield, I would join the gentleman in locking that door until agreement is achieved regarding FHA limit increases.

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

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume. I have no additional requests for time, but I would like to close by making a couple of limited comments.

I must say that there is little doubt that within some of these accounts that are housing accounts, like vouchers, like subsidized rental housing, like programs that involve the efforts we have to open the doorway of opportunity to the poorest of the poor in our society, we have not had all the money that we would like to have in those accounts. Indeed, this administrative decision by OMB originally did put great pressure upon those elements of the housing accounts.

To now have them change their mind and not have us have the flexibility to apply them, for example, to a great priority of the Secretary of Housing, vouchers, or some other very, very vital housing program, where we are dealing with the poorest of the poor, and shift it to accounts where we are over the President's request in the bill, before the fact, at least causes me to scratch my head, when the ranking member knows how important it is when we go to conference with the Senate to have as much flexibility as possible. By this action we may very well have harmed many of the very poor people in our country that the ranking member at least tells me constantly he is so concerned about.

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

The SPEAKER pro tempore (Mr. CALVERT). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Without objection, further proceedings on this question will be postponed.

There was no objection.

The SPEAKER pro tempore. The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion to instruct and that I may include tabular and extraneous material.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, 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.

SPEED TRAFFICKING LIFE IN PRISON ACT OF 1998

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3898) 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, as amended.

The Clerk read as follows:

H.R. 3898

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 "Speed Trafficking Life In Prison Act of 1998".

SEC. 2. METHAMPHETAMINE TRAFFICKING PENALTY ADJUSTMENTS.

(a) AMENDMENTS TO THE CONTROLLED SUBSTANCES ACT.—The Controlled Substances Act is amended—

(1) in section 401(b)(1)(A)(viii) (21 U.S.C. 841(b)(1)(A)(viii)) by—

(A) striking "100 grams" and inserting "50 grams"; and

(B) striking "1 kilogram" and inserting "500 grams"; and

(2) in section 401(b)(1)(B)(viii) (21 U.S.C. 841(b)(1)(B)(viii)) by—

(A) striking "10 grams" and inserting "5 grams"; and

(B) striking "100 grams" and inserting "50 grams".

(b) AMENDMENTS TO THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—The Controlled Substances Import and Export Act is amended—

(1) in section 1010(b)(1)(H) (21 U.S.C. 960(b)(1)(H)) by—

(A) striking "100 grams" and inserting "50 grams";

(B) striking "1 kilogram" and inserting "500 grams"; and

(C) striking the period at the end and inserting a semicolon; and

(2) in section 1010(b)(2)(H) (21 U.S.C. 960(b)(2)(H)) by—

(A) striking "10 grams" and inserting "5 grams";

(B) striking "100 grams" and inserting "50 grams"; and

(C) striking the period at the end and inserting a semicolon.

SEC. 3. PREPARATION OF AN IMPACT STATEMENT.

The United States Sentencing Commission shall prepare a statement analyzing the impact of the sentences imposed as a result of the amendments made by this Act and present that analysis to Congress not later than one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. McCOLLUM) and the gentleman from Massachusetts (Mr. DELAHUNT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. McCOLLUM).

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 3898, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 3898, the Speed Trafficking Life In Prison Act of 1998, increases the penalties for manufacturing, trafficking or importing methamphetamine. It was introduced on May 19, 1998 by the gentleman from Texas (Mr. SESSIONS) and reported favorably by the Committee on the Judiciary on July 21. It represents an important step by this Congress to respond to the methamphetamine epidemic.

As members of the subcommittee well know, methamphetamine is no longer merely a California problem or a southwest problem, it is a national problem. It has spread east, devastating some communities much like crack cocaine did in the 1980s. The testimony received by the House Subcommittee on Crime of the Committee on the Judiciary in recent years paints a grim picture of an emerging epidemic: Emergency room methamphetamine episodes in major metropolitan areas have increased dramatically. Methamphetamine deaths around the country have skyrocketed, and clandestine methamphetamine labs have now been reported in all 50 States.

There are numerous unique problems associated with methamphetamine. The profits involved in the methamphetamine trade are enormous. Methamphetamine causes longer highs than cocaine. Methamphetamine is processed in clandestine labs, often located in remote areas, making them difficult to detect. And the numerous highly toxic chemicals used to manufacture methamphetamine are extremely flammable and destructive to the environment.

Over the last 8 years, sophisticated drug organizations from Mexico have replaced motorcycle gangs as the major methamphetamine producers and traffickers. These organizations have established large clandestine labs throughout the Southwest and have saturated the western U.S. market with high purity methamphetamine, leading to lower prices. The 1994 methamphetamine related murder of DEA agent Richard Fass is a sober reminder of the violence associated with methamphetamine trafficking. In short, methamphetamine represents a dangerous, time-consuming, and expensive investigative challenge to law enforcement.

H.R. 3898 increases the penalties for manufacturing, trafficking or importing methamphetamine so as to make those penalties the same as for crack cocaine. It does so by reducing by one-half the quantity of methamphetamine required to trigger the mandatory minimum sentences established in current law. Under current law, 100 grams of methamphetamine triggers the 10-year mandatory minimum, and 10 grams triggers the 5-year mandatory minimum. In both cases, under current law, an offender with prior felony drug offenses can receive life in prison. So can an offender when the use of the methamphetamine leads to the death or serious bodily injury of another. Under this bill, 50 grams triggers a 10-year mandatory minimum prison sentence, and 5 grams of methamphetamine triggers a 5-year mandatory minimum prison sentence. These sentences are identical to those called for in the administration's 1996 methamphetamine strategy. Furthermore, the House of Representatives passed an identical provision last Congress as a part of H.R. 3852, the Comprehensive Methamphetamine Control Act of 1996. Unfortunately, the Senate version of this same bill did not include this penalty enhancement provision and it did not become law.

I want to close with an observation. Reports released in recent months show that cocaine use nationally continues to decline slightly, while methamphetamine use continues to increase. A little more than a decade ago, Congress responded to the emerging cocaine epidemic by moving bipartisan legislation which provided tough mandatory minimum penalties for those who manufacture and traffic cocaine. I have no doubt that those tough penalties saved lives, in part because they

sent a message to younger generations that trafficking cocaine deserves society's strongest condemnation. And while cocaine trafficking and use remain unacceptably high, they are declining.

Today, Congress once again has the opportunity to take action, bipartisan action, regarding an emerging epidemic: The methamphetamine crisis. Let us send a clear message today, as we did then: Methamphetamine trafficking deserves our strongest condemnation.

I join the gentleman from Texas (Mr. SESSIONS), the author of this bill, the administration, and the 386 Members of this body who voted for it in the last Congress in supporting this important bill and urge its passage.

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

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

Mr. Speaker, I rise in opposition to this legislation. But before I proceed with a statement, I do want to acknowledge and commend the bill's sponsor, the gentleman from Texas (Mr. SESSIONS), for his sincere and genuine effort in terms of dealing with this issue. Although he and I disagree, I do want to acknowledge that he has worked cooperatively and hard on this issue, and I know his heart is in the right place. Unfortunately, this is not the right answer. Once again, Congress is taking upon itself the role that it wisely assigned to the sentencing commission to establish appropriate sentences within the sentencing guidelines for a broad range of Federal offenses.

We do have a drug problem in this country, and it is a serious problem. We all recognize that. But serious problems require serious solutions, and this is not the answer. We have absolutely no evidence, no data, and none has been presented, to suggest that cutting by half the amount of methamphetamine it will take to trigger the current 5- and 10-year mandatory minimums will have any measurable effect on the problem. None.

The only thing we can predict with certainty is that lowering the threshold will waste precious resources incarcerating people for relatively minor nonviolent offenses, resources that are needed to lock up offenders. In other words, Mr. Speaker, we will be putting the wrong people in jail.

While it might make sense to impose lengthy sentences on high-level dealers, these mandatory minimums allow for no such distinctions to be made. Whether the offender has 5 grams or 10 grams in his possession does not tell us very much about the situation with which we are dealing, yet these laws allow the judge to consider no other factors in pronouncing sentences and often give no leeway or discretion to the prosecutor in terms of the charging decision. Again, let me suggest that we will be putting the wrong people in jail.

Last year a RAND study of cocaine sentencing policy found that the mandatory minimum sentences are not effective in reducing either drug consumption or drug-related crime. The study concluded that it would be more cost effective, it would make sense, to spend the same money on drug enforcement and drug treatment programs.

Nearly half of the drug offenders sentenced to long mandatory sentences in Massachusetts' state prisons have no record of violent crime. It simply makes no sense to spend $30,000 to $40,000 a year to keep these people in jail, often for terms that are far greater than the times served for criminals convicted of manslaughter, armed robbery, rape and the whole array of violent crimes.

□ 1315

Violent predators are being released in favor of drug addicts. Yet these anomalous results will continue to occur if Congress insists on intruding into the sentencing process wherever the spirit or the polls inspire us to do so. This simply makes no sense, Mr. Speaker. I urge this House to think about that, to think about our present course.

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

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

I simply want to address the concerns some people have said that the bill does not address the simple possession of methamphetamine. Paragraph (a) in the bill addresses the manufacture, distribution or trafficking of meth and the possession of meth with the intent to manufacture, distribute or traffic. Paragraph (b) addresses the importing and exporting of meth or the possession of meth with the intent to import or export. Therefore, under current law, title 18, section 841 and title XXI, section 990 and under this bill, no one could be prosecuted for a simple possession.

Let us be perfectly clear. This bill increases penalties on those who knowingly import, manufacture and traffic a drug that is as insidious as crack cocaine and more dangerous in certain respects. We do not add any new penalties in this bill. We simply put the penalties of methamphetamine up to a level, the same as crack cocaine. We are not adding anything in the broad sense of the law. To a great extent, methamphetamine is a homegrown operation. That is to say, it is made in kitchens and backyard makeshift labs all around the country. It is a fly-by-the-seat-of-the-pants operation posing numerous dangers. The chemicals used to manufacture meth are enormously destructive to the environment, extremely toxic and pose huge dangers to human life. Furthermore, the labs are increasingly booby-trapped, putting the lives of our law enforcement agents on the line. Methamphetamine-related defendants are overwhelmingly white. The administration supports this bill. These increased penalties were called for in the administration's methamphetamine strategy and sent to Congress by Attorney General Reno and Drug Czar Barry McCaffrey.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. SESSIONS), the author of this bill.

Mr. SESSIONS. Mr. Speaker, today we are considering H.R. 3898, the Speed Trafficking Life in Prison Act of 1998. Mr. Speaker, clearly we are in the middle of a crisis in our country. Methamphetamine trafficking in this country is at an all-time high and it seems like that we have got to do something about it. That is why I drafted H.R. 3898 which will cut in half the amounts of methamphetamine in the Controlled Substances Act necessary to invoke the most severe penalties.

Many of our colleagues know from their work in the war against drugs, also are aware of this, and sometimes they call methamphetamines other things. It is often known as "speed," "ice," or "crank," and it causes severe side effects and can result in death. After prolonged use, methamphetamine leads to binging, often causing users to consume the drug continuously for up to 3 days without sleeping. Following the binge is severe depression, followed by worsening paranoia, belligerence, and aggression which is known as "tweaking." Then the user collapses from exhaustion, waking up days later simply to begin the cycle again.

The new ephendrine-based methamphetamine is worse, however. It leads to sleepless binges that can last up to 15 days and end in crashes that are far worse than those with regular methamphetamine. These crashes not only cause the loss of life and the spirit in our children, but they bring about violence and disruptive behaviors that endanger families and everyone in America's communities.

I am unwilling to accept this behavior and have begun my fight so that we will not accept this that is happening to our country. I hope that my colleagues are listening and that Americans are with us as we join in this continued fight against drugs in our country.

On July 21, 1997, I held a congressional hearing in my district, the Fifth Congressional District of Texas, at Mesquite High School, to discuss the problem of illegal drug trafficking and what our national, State and local leaders were doing about it. Testimony from the Drug Enforcement Administration, known as the DEA, clearly demonstrated that the new wave of methamphetamine use was attacking our country and also was coming across our borders. According to the 1996 National Household Survey on

Drug Abuse, an estimated 4.9 million people, which is 2.3 percent of the population, have tried methamphetamines at some time in their lives. Data from the 1996 Drug Warning Abuse Network, which collects information on drug-related episodes from hospital emergency departments in 21 metropolitan areas, reported that methamphetamine-related episodes increased 71 percent between the first half of 1996 and the second half of 1996, or, put in numbers, from 4,000 to 6,800.

Too often, I believe we point to foreign countries as the sources of dangerous drugs to our children and Americans. But with methamphetamine, the drug can be manufactured easily within our own borders. It is what I call a "made in America" product. It has catastrophic consequences to our environment and puts first responders, our men and women in law enforcement and firefighters, in grave danger from fires and explosion.

That is why I drafted H.R. 3898, the Speed Trafficking Life in Prison Act of 1998, to put those who manufacture or distribute methamphetamine in prison for as long as possible. Those who abuse drugs should take responsibility for their actions, but there are also victims. They are victims of drug thugs, the killers who put this stuff on our streets and in our communities. It is those people that we are aiming our legislation at.

I hope and urge all of my colleagues to support this reasonable approach to dealing with drugs that are killing our children.

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

Mr. MCCOLLUM. Mr. Speaker, I yield myself 1 minute. I want to again commend the gentleman from Texas for bringing this resolution to the floor. Methamphetamine is an increasingly dangerous drug. We are going to have a lot of discussions on the floor of the House in the next couple of days about very dangerous drugs, cocaine, heroin and the like. But we must not forget that those are all grown and we have to worry about controlling those and getting those imported into our country from abroad. We have an enormous task ahead on that score. But methamphetamine, sadly, those drugs can be produced in laboratories, in households around the country. This bill is exceedingly important to get our kids and other folks to stop making this stuff, stop using it. It is dangerous. We need to send a message. We need to send the penalty message that is in this bill on methamphetamine. I strongly urge the adoption of this bill today.

Mrs. EMERSON. Mr. Speaker, I rise in strong support of H.R. 3898, the Speed Trafficking Life in Prison Act. I am proud to be an original cosponsor of this legislation and I would like to thank its author, Representative PETE SESSIONS, and the Subcommittee Chairman, Representative BILL MCCOLLUM, for their hard work on this very serious issue.

Like most Americans, and as a parent, I am deeply troubled by the high rates of violent and drug related crime that has such a devastating effect on our neighborhoods. The drug problem strikes at the very core of a community, putting our young people at risk and undermining our safety, our schools, our peace of mind, our way of life.

The dramatic rise in the manufacture and trafficking of methamphetamine is one of the most disturbing trends. Highly addictive and cheap to manufacture, methamphetamine has become one of the most widely trafficked illicit drugs. The problem is particularly severe in my home state of Missouri, which now ranks number one in the country for clandestine methamphetamine lab busts—more than 700 in 1997—and second only to California in methamphetamine production. Furthermore, of the 290 meth labs that were raided and seized last year in a 5-state radius, over 230 of those were in Missouri. This year alone, there have been more than 88 labs seized in my District in Southern Missouri.

There is much to do to fight the war on drugs, and this legislation is a very important part of that fight. It is a powerful tool to give to prosecutors and also a powerful message to send to drug criminals. It is a clear statement that meth dealers will be met by a swift and severe response, the full force of the law. The new minimum sentencing standards established in the bill will ensure that the thugs putting meth out on our streets will receive a fitting punishment for their crime.

I urge a strong "YES" vote on this important legislation.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 3898, the Speed Trafficking Life in Prison Act, and I commend the gentleman from Texas, Mr. SESSIONS, for bringing this important piece of legislation to our attention today.

As Chairman of the International Relations Committee, I have long worked to try and keep drugs from entering the United States and I fully support Mr. SESSION'S efforts to increase the minimum jail sentence for those individuals who think that they can get away with manufacturing, trafficking or transporting methamphetamines in this country.

This legislation finally equals the field between methamphetamines, or speed, and cocaine. For many years, young people have tried to justify the use of methamphetamines because they do not believe that they are as dangerous as cocaine or crack. This bill sends a clear message to all Americans that methamphetamines are just as dangerous and deadly as crack cocaine and that those people who manufacture, traffic or transport these drugs should be held to the fullest extent of the law.

H.R. 3898 establishes that 50 grams of methamphetamines triggers a 10-year mandatory minimum prison sentence and five grams triggers a five-year mandatory minimum, equal to the penalties for crack cocaine. Voting for this bill will help to dissuade the trafficking of speed in our country and hopefully will cut down on the number of speed related abuse, trafficking, and deaths. Accordingly, I urge my colleagues to fully support this measure to help keep these dangerous drugs off of our streets.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to rise today to express strong support for H.R. 3898, the Speed Trafficking Life in Prison Act. This important legislation increases the penalties for manufacturing, trafficking, or importing methamphetamines to the same level as corresponding penalties for crack cocaine.

Methamphetamine is a powerful drug that is relatively easy to manufacture. The use of this dangerous drug is escalating rapidly due to its low cost and highly addictive qualities. The methamphetamine problem in Nebraska is clearly growing at a substantive rate. For example, in 1996, multi-jurisdictional drug task forces made 248 methamphetamine arrests in Nebraska. In 1997, there were 714 arrests. Additionally, according to the U.S. Attorney's office in Omaha, last year, Nebraska led the nation in methamphetamine cases prosecuted in Federal courts with 61 cases involving 98 defendants.

This legislation would reduce by half the amount of methamphetamine necessary to trigger the mandatory minimum sentences established by current law. Under H.R. 3898, an offender possessing 50 grams of methamphetamine would trigger a 10-year mandatory minimum prison sentence. If the offender was convicted of possessing 5 grams of methamphetamine, he or she would receive a 5-year mandatory minimum sentence.

In closing, Mr. Speaker, we must pass this bill in the short time left in this session of Congress. It must also be passed by the Senate with these tough but appropriate sentencing provisions so that it can be sent to the President for signature. The Nation must become serious and effective in combating this very dangerous problem. This bill must become law this year in order to do all we can do to fight the use of this dangerous drug. This Member urges his colleagues to support H.R. 3898.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to oppose the passage of this bill, because I believe we should be moving away from the imposition of mandatory minimum sentences, and also because I want to avoid creating further racial inequalities in our Federal drug policy.

This bill lowers the amount of methamphetamine that a person must possess in order to trigger mandatory minimum sentences required under the Federal Sentencing Guidelines. In effect, it cuts that triggering amount in half, giving methamphetamine a status roughly equal to that of crack cocaine.

I am against restricting the role of the judges in the courtroom. Mandatory minimum sentences, like the sentencing guidelines, take discretion away from impartial Federal judges, and put it in the hands of the prosecutors.

The more we allow mandatory minimums to become a part of everyday courtroom life, the more power we place in the hands of prosecutors who have a vested interest in the outcome of the case.

In committee, I expressed concern that this bill would cause us to walk into essentially the same controversy that we had just a few years ago, when it involved African-Americans and the sentencing disparities between crack and

powder cocaine. I am especially concerned because there has been some debate whether this bill would disproportionately impact the Mexican-American community in the United States.

The bill was amended in the Judiciary Committee to provide for a report by the Sentencing Commission one year after enactment of this bill, but by then, a significant amount of damage will already have been inflicted.

I do not want to be a part of a bill, which specifically targets a minority group, and then gives an extreme amount of discretion to the federal authorities charged with pursuing them.

I also oppose this bill because it is unnecessary. There have been reports that in the last few years, that we have seen an actual decrease in the use of methamphetamine. For instance, the Substance Abuse Mental Health Services Administration (SAMHSA) reported that emergency room admissions for methamphetamine-related events has decreased one-third.

I oppose this bill because I think we can do better than this. I believe we can win the war on drugs, by stressing treatment and prevention, and without alienating an important group of citizens from our society.

Mr. MICA. Mr. Speaker, today I rise in support of H.R. 3898, the Speed Trafficking Life In Prison Act. Recently, we have witnessed a drastic increase in the use of illegal drugs like cocaine, heroin, marijuana and methamphetamines in this country. The crisis continues and, unfortunately, our children are the victims.

Methamphetamine is currently a popular "designer drug" of choice which causes severe side effects and can result in death. A 1996 National Household Survey on Drug Abuse shows that 4.9 million people have tried methamphetamine at some time in their lives. In a report of combined data from 21-metropolitan areas across our nation, the statistics show that methamphetamine related episodes in hospital emergency rooms increased by 71% between the first and second halves of 1996. That is an increase from 4,000 to almost 7,000 reported incidents over a six month period. The situation is alarming and spinning out of control. We must penalize those that are putting this poison on our streets.

H.R. 3898 strengthens the penalties for manufacturing, trafficking or importing methamphetamine—making penalties equal to those for crack cocaine—and imposes life imprisonment sentences for those that manufacture or distribute methamphetamine. This legislation also reduces the quantity of methamphetamine required to trigger the mandatory minimum sentences by one-half and establishes that 50 grams triggers a 10-year mandatory minimum.

It is time to send a clear message to those drug dealers that threaten our communities. Tough penalties must be imposed on those who deal in destruction of lives and death. I ask my colleagues to join with me in support of this measure as we continue to wage a war on drugs to save our children and every American from the plague of methamphetamines now sweeping across our land.

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

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Florida (Mr. McCOLLUM) that the House suspend the rules and pass the bill, H.R. 3898, 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.

SENSE OF CONGRESS REGARDING MARIJUANA

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 117) expressing the sense of Congress that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use, as amended.

The Clerk read as follows:

H.J. RES. 117

Whereas certain drugs are listed on Schedule I of the Controlled Substances Act if they have a high potential for abuse, lack any currently accepted medical use in treatment, and are unsafe, even under medical supervision;

Whereas the consequences of illegal use of Schedule I drugs are well documented, particularly with regard to physical health, highway safety, and criminal activity;

Whereas pursuant to section 401 of the Controlled Substances Act, it is illegal to manufacture, distribute, or dispense marijuana, heroin, LSD, and more than 100 other Schedule I drugs;

Whereas pursuant to section 505 of the Federal Food, Drug and Cosmetic Act, before any drug can be approved as a medication in the United States, it must meet extensive scientific and medical standards established by the Food and Drug Administration to ensure it is safe and effective;

Whereas marijuana and other Schedule I drugs have not been approved by the Food and Drug Administration to treat any disease or condition;

Whereas the Federal Food, Drug and Cosmetic Act already prohibits the sale of any unapproved drug, including marijuana, that has not been proven safe and effective for medical purposes and grants the Food and Drug Administration the authority to enforce this prohibition through seizure and other civil action, as well as through criminal penalties;

Whereas marijuana use by children in grades 8 through 12 declined steadily from 1980 to 1992, but, from 1992 to 1996, has dramatically increased by 253 percent among 8th graders, 151 percent among 10th graders, and 84 percent among 12th graders, and the average age of first-time use of marijuana is now younger than it has ever been;

Whereas according to the 1997 survey by the Center on Addiction and Substance Abuse at Columbia University, 500,000 8th graders began using marijuana in the 6th and 7th grades;

Whereas according to that same 1997 survey, youths between the ages of 12 and 17 who use marijuana are 85 times more likely to use cocaine than those who abstain from marijuana, and 60 percent of adolescents who use marijuana before the age of 15 will later use cocaine; and

Whereas the rate of illegal drug use among youth is linked to their perceptions of the health and safety risks of those drugs, and the ambiguous cultural messages about marijuana use are contributing to a growing acceptance of marijuana use among children and teenagers: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) Congress continues to support the existing Federal legal process for determining the safety and efficacy of drugs and opposes efforts to circumvent this process by legalizing marijuana, and other Schedule I drugs, for medicinal use without valid scientific evidence and the approval of the Food and Drug Administration; and

(2) not later than 90 days after the date of the adoption of this resolution—

(A) the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and the Senate a report on—

(i) the total quantity of marijuana eradicated in the United States during the period from 1992 through 1997; and

(ii) the annual number of arrests and prosecutions for Federal marijuana offenses during the period described in clause (i); and

(B) the Commissioner of Foods and Drugs shall submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report on the specific efforts underway to enforce sections 304 and 505 of the Federal Food, Drug and Cosmetic Act with respect to marijuana and other Schedule I drugs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. McCOLLUM) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. McCOLLUM).

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the joint resolution under consideration.

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

There was no objection.

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

Today we are about to consider a medical marijuana bill. It is a bill probably with a misnomer because there is no initiative out there in the country that proposes truly medical marijuana, where a doctor's prescription is required, you have to go to the drugstore and get it, or the Food and Drug Administration has approved the smoking of marijuana as a drug and so forth.

But there is an awful lot of confusion in the public mind out there today. I want to call my colleagues' attention to what this resolution actually calls for after all of the sense of Congress is expressed in it. It resolves that the

House and Senate and Congress continue to support the existing Federal legal process for determining the safety and efficacy of drugs and opposes efforts to circumvent this process by legalizing marijuana and other Schedule I drugs for medicinal use without valid scientific evidence and the approval of the Food and Drug Administration.

I would like to point out at the beginning of this discussion that there is a synthetic drug known as Marinol that contains the same powerful medical ingredients found in marijuana for relieving pain and does not cause the addiction or side effects associated with marijuana. Everybody here today in this body is sympathetic with people who suffer from pain in this country and the many Americans who have been told in some cases that the smoking of marijuana will relieve that pain to them. Nobody is unsympathetic to their cause, particularly those who are terminally ill, but the ingredients that they need the medical profession has already laid forth in medicine that is available and approved and is separate and apart from the question of should we in any way provide for the opportunity to smoke marijuana in a smoke form, which is what is in so many resolutions around the country these days and initiatives.

Secondly, the Food and Drug Administration, which must approve all drugs, has never approved marijuana as a prescription or over-the-counter drug.

Third, no doctor's prescription, under the initiatives that I have seen in the States where this has been proposed and is being proposed today in the 50 States, no doctor's prescription would be required to obtain marijuana. The only thing that would be required is for the doctor to say, "It's okay, I think it's a good idea, I'll sign a piece of paper." But you do not have to go to the drugstore to get it. In fact, you could not get it at the drugstore because the Food and Drug Administration has never approved it.

And fourth, there is a very important health problem that is associated with this in terms of the body's immune system. Regularly smoking marijuana weakens the body's immune system and doubles the speed in which the AIDS-causing virus HIV produces AIDS symptoms.

Having made those statements, I want to discuss H.J. Res. 117 in a little bit more detail. Congressional support, as I have said earlier, for the current legal process is what this is all about: the process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs for medicinal use.

I am pleased to say that the joint resolution we have here today is fully supported by General Barry McCaffrey who is the head of our Office of National Drug Control Policy, and he has a letter dated September 9, 1998 that so states that support.

At the outset, I want also to state that we personally do not possess the medical or scientific expertise to pass judgment on whether marijuana is a medicine. But the Food and Drug Administration does and so does the American Medical Association, the National Institute of Drug Abuse, the American Cancer Society and numerous other organizations. Each of them has concluded that marijuana is not a medicine. It seems to me that their collective expert judgment and the long-established FDA approval process should not be lightly set aside. Either on the basis of scientific evidence and testing or whatever other basis you might come to a conclusion on, marijuana is not a medicine. It has got to be determined by a scientific basis. That is all there is to it. So far it has not been. No opinion poll or State initiative in any way can alter that status.

Simply put, this resolution before us today reflects the view that science cannot be based upon opinion polls. This was the position taken before the subcommittee by General McCaffrey and by numerous other witnesses. Until agencies with the authority and expertise, through established scientific testing and review process, find marijuana to have legitimate medical applications, it should not be legalized by States for medicinal purposes.

This resolution takes that position and provides the House of Representatives as an institution the opportunity to weigh in on this debate that is going on nationally. I believe such a statement is important for a couple of reasons. First it is timely. More than 30 States and the District of Columbia have been targeted for possible medical marijuana initiatives. They have already been passed in California and Arizona.

I might add that the language of this resolution has been crafted in cooperation with the gentleman from California (Mr. COX) and Senator KYL from Arizona.

The resolution is also timely because of the tragic drug crisis engulfing our young people today. The numbers are simply shocking. From 1992 to 1997, drug use among youth from 12 to 17 years of age has more than doubled.

□ 1330

It is up 120 percent. That is an increase of 27 percent in the last year alone. For kids aged 12 to 17, first-time heroin use has increased 875 percent from 1991 to 1996, and from 1992 to 1996 marijuana use increased 253 percent among eighth graders, 151 percent among tenth graders and 84 percent among twelfth graders. Overall among kids aged 12 to 17 marijuana smoking has jumped 125 percent from 1991 to 1997 in that 6 year period. Today in the District of Columbia 96 percent of all youth arrested for crime test positive for marijuana. That is 96 percent of all juvenile arrests.

Marijuana users today are younger than ever before. The most recent survey by the Partnership for Drug-free America found that among children ages 9 to 12 who were surveyed, nearly one-fourth of them were offered drugs during 1996 with marijuana being the most prominent. That is up from 19 percent for the same age group in 1993. The University of Michigan survey for 1996 reports that 23 percent of the seventh grade students said they had tried marijuana, and 33 percent of the eighth grade students had done so. Mr. Speaker, our kids are drowning in a sea of drugs.

The second reason for this resolution is to send a message that cavalier labeling of smoked marijuana as medicine sends an unmistakable message to our youth. How harmful can it be if it is a medicine for any ailment? The polls that have been taken before and after State initiatives clearly demonstrate young people have a more accepting attitude towards marijuana after the passage of those initiatives.

Kids get it. They understand it when civic and cultural institutions and leaders are ambivalent, and I am of the view that future prospects of our young people are too important for such a matter of ambivalence. As a country we need to speak out, and this House needs to speak out.

Third, we need to know much more about marijuana today, and we do no more than we did a few years ago, and the news that we do know is sobering. The potency of marijuana has more than doubled in the last decade through genetic manipulation and cloning. On top of that, the typical marijuana dose is significantly larger than in past years, laced with other drugs. As a result in recent years there has been a dramatic increase in the number of marijuana related emergency room episodes for 12- to 17-year-olds.

Marijuana's troubling gateway effect is now well understood. According to Columbia University, youth between the ages of 12 and 17 who use marijuana are 85 times more likely to use cocaine than those who abstain from marijuana. The research clearly demonstrates smoke marijuana impairs normal brain function and damages the, heart lungs reproductive and immune systems. According to the National Institute of Allergies and Infectious Diseases, HIV positive smokers of marijuana progress to full blown AIDS twice as fast as non-smokers and have increased incidences of bacterial pneumonia. In June 1997 the National Institute of Health found that long term use of marijuana produces changes in the brain that are similar to those seen after long term use of other major

drugs such as cocaine and heroin. It is with this disturbing back drop that we bring forward the resolution today.

While the substance of the resolution is straightforward, I want to highlight again a couple of points.

The resolution points out that before any drug can be approved as a medication in the United States it must meet extensive scientific standards established by the Food and Drug Administration to ensure its safety and efficacy. The resolution points out that marijuana has been extensively studied, but it has never been approved by the FDA as a medication. In fact because of its high potential for abuse and its lack of any accepted medical use in treatment marijuana is a schedule one drug, which means, of course, it is illegal under federal law to manufacture, distribute or dispense marijuana, heroin, LSD and more than 100 other schedule one drugs.

And let us be perfectly clear. This schedule one rating is not a function of politics, it is a function of the rigorous medical scientific evaluation process of the Food and Drug Administration. The doctors and scientists with the greatest expertise have determined that marijuana is simply not a medicine, however they have approved its active ingredient, THC, in a pill form as medicine.

In light of these facts, the resolution affirms the importance of supporting the existing Federal legal process for determining safety and efficacy of drugs including marijuana and other schedule one drugs. It further states opposition to efforts to circumvent this process by legalizing marijuana and other schedule one drugs for medicinal use without valid scientific evidence and the approval of the FDA, and it calls on the Attorney General and the Food and Drug Administration commissioner to report to Congress on their efforts to enforce the Federal marijuana laws already on the books.

Again, I am as concerned and sympathetic as anyone else about terminally-ill patients, but the scientific evidence does not support the medicinal marijuana resolutions that are running around the country these days, and they do not require prescriptions by doctors of these of marijuana, there has been no approval at all to smoke marijuana by the Food and Drug Administration as a medicine, and it is a highly dangerous thing to do, and we need to condemn it today.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 5 minutes to my colleague, the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank my friend from Massachusetts (Mr. FRANK) for yielding this time to me.

As my colleagues know, this is truly a resolution that can be described as a Alice in Wonderland resolution. Up is down and down is up. Marijuana is dangerous for folks who are suffering, who very well may be dying, but cocaine and morphine are okay. In other words, coke and morphine are less dangerous than marijuana. That just does not make any sense whatsoever.

It seems to me, if we are going to ban the use of marijuana in the face of growing medical evidence of its therapeutic value, in cases resistant to other treatments, then we should ban morphine and cocaine as well.

What are the arguments for treating marijuana differently from these other and arguably far more dangerous drugs? I am sure that if we ask anyone from the law enforcement community, they will tell us that violent behavior is far more endemic to the use and the abuse of cocaine and morphine and related drugs than marijuana.

Well, the first argument is that whatever benefits it may have, marijuana is simply too dangerous for us to send a single signal that it is okay. Yet the same signal is sent by, as I said, allowing therapeutic access to cocaine, and yet we allow it nonetheless. If we adopt a different policy with regard to marijuana, what we will be saying is that we are willing to allow patients to suffer excruciating, debilitating conditions so as not to send a signal to others who might wish to use these drugs recreationally. With all due respect, I do not believe that anyone who has watched an AIDS or cancer patient suffer uncontrollable nausea for hours at a time could make such an argument. That is not the signal that we want to send.

Proponents of the resolution are quick to point out that the scientific community is divided over the medical benefits of marijuana. They are less quick to acknowledge that both the benefits and dangers of this and hundreds of other medicinal substances are subject to scientific dispute also.

It is not our role, I would submit, to prohibit scientists and researchers from continuing to develop sound data regarding the safety and efficacy of marijuana as they do with any other experimental treatment.

There is also another reason why Congress has no business legislating in this subject. In November of 1996 Californians approved Proposition 215 which legalized the medical use of marijuana. That same year folks from Arizona supported a measure allowing physicians to prescribe the drug. The Californian measure was approved by a 56 percent majority, the Arizona referendum by 65 percent. I am continually surprised and stunned really at the capacity of some of my colleagues to preach the gospel of States rights while doing everything they can to federalize State prerogatives. In this Congress alone we have had legislation to deny juvenile justice funds to States that do not comply with new Federal mandates to preempt State authority with respect to product liability, tort and security litigation, to curtail State court jurisdiction over class action suits, and to override State and local land use decisions through so-called property rights measures, to name only a few of the more notorious examples.

But if we are determined to override State authority, to really bury the concept of evolution, if we are determined to replace sound medical judgment with our own, at least let us not be hypocritical. Let us take morphine and cocaine off the market as well. Let us make it clear to patients who depend on these drugs to control their pain that they will simply have to suffer so that we can send the right signal about drug abuse. I am sure they will understand.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank the gentleman very much for yielding this time to me.

Mr. Speaker, this resolution is just another effort by the Republican leadership to substitute slogans for substance. Time after time the leadership has ignored the facts and slapped down the work of States and public health experts because it serves the Republican leadership's political interests, as they see it any way.

First, they are going to take a slap tomorrow at the State of Oregon, and they want to ban here at the federal level, any funding or any attempt to Oregon to have a law for assisted suicide. Yet in spite of this ban, the Washington Post reported last April that Oregon's Death with Dignity Act has profoundly improved the end of life care given the terminally-ill patients.

Now the House also taken a swap at States and cities across the country this spring by banning Federal funding of needle exchange. Needle exchange is preventing AIDS and saving lives in dozens of American cities in over 20 States. The Surgeon General, the National Academy of Sciences, the National Institutes for Health, the American Medical Association all concluded that needle exchanges save lives, prevent AIDS and do not encourage drug use. But do not confuse the Republican leadership with the facts; they are not interested. They want Americans to believe that the government was going to install needle vending machines next to coke machines across the country. They want everybody to know that the greatest wisdom in the country is here in Washington, nowhere else in the Nation. Now the House leadership wants to take a slap at California. The voters of California supported Proposition 215. They support doctors prescribing or recommending marijuana for medical uses. The voters of California have spoken on this issue, and their judgment deserves the respect from this House.

Just as importantly, the National Institutes of Health is calling for more research on medical uses of marijuana, the National Academy of Sciences is due to report on this issue in the next few months, and the AMA, California Nurses Association, California Academy of Family Physicians, the Los Angeles County AIDS Commission all support Proposition 215. But the gentleman from Georgia (Mr. GINGRICH) and the gentleman from Texas (Mr. ARMEY) and the rest of the Republican leadership do not care. They do not want to wait for a report that will give them the facts. They want to deprive seriously ill patients of potential therapies because they have a political agenda. They think we should just say no to sick and dying patients because it looks like we are getting tough on illegal drugs.

Mr. Speaker, this resolution is not about crime, it is not about legalizing drugs, it is not about legalizing marijuana. This is about letting doctors care for dying patients in the best way possible. This is about letting scientific research proceed unhindered by politics.

Mr. Speaker, I urge my colleagues to oppose this resolution, and I want to put into the RECORD a statement from the New England Journal of Medicine. It is an editorial endorsing the physician freedom to determine the medical uses of marijuana.

I urge that we oppose this resolution which is strictly here for political purposes, and it should not be dignified with our votes because it deprives the States and the people from making a decision in the local areas for their own determination.

Mr. MCCOLLUM. Mr. Speaker, I yield 30 seconds to the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, as a survivor of cancer twice in my lifetime, let me put to rest this business that marijuana is needed to take care of pain of cancer victims. Marijuana is a dangerous and addictive drug and should not be legalized for medical use or for any other use.

Let me just tell my colleagues as a 20-year Member of this Congress, I fought for States' rights more than any other Member on this floor.

□ 1345

This is not a States' rights issue. The illegality of marijuana is a national law, and State laws do not override national laws. I urge all States' righters to come over here, as I am going to do, and vote "yes" on this legislation.

I find it very disappointing that medical marijuana referenda will appear in five states this November. Nevada, Alaska, Washington, Arizona, and Oregon all have proposals to legalize marijuana as a medicine. This is a sham. The FDA has repeatedly rejected marijuana for medical use because it adversely impacts concentration and memory, the lungs, motor coordination and the immune system.

Why would you give a drug, which has been scientifically proved to weaken the immune system, to a sick person? I think we know the answer to that question and it has nothing to do with compassion!

The simple truth is that the organizations promoting the legalization of this dangerous drug—NORML and the Drug Policy Foundation—are intentionally exploiting the pain and suffering of others as part of their backdoor attempt to legalize drugs.

I agree with Drug czar Barry McCaffrey's recent statement, "This is not the time to use ballot-box ploys to make this drug more readily available. Instead, it is time to pay attention to the science-based information already available about the consequences of marijuana use."

While the people promoting the legalization of drugs would have you believe that this approach is a viable alternative to the war on drugs it is nothing more than a foot in the door to the legalization of all dangerous drugs.

Listen very carefully to what Lee Brown—the former Drug Czar and an African-American himself—said about the effect of legalization on the African-American community.

He said, "When we look at the plight of many of our youth today, especially African-American males, I do not think it is an exaggeration to say that legalizing drugs would be the moral equivalent of genocide."—The moral equivalent of genocide!

He goes on to state, "Making addictive mind altering drugs legal is an invitation to disaster for our communities that are already under siege. Without laws that make drug use illegal, some experts estimate that we could easily have three times as many Americans using illegal drugs. The proponents of legalization would have us believe that crime would go down if drug use was legal, but an honest look at the facts belie this argument."

Mr. Brown went on to state that "statistics tell us that almost half of those arrested for committing a crime test positive for the use of drugs at the time of their arrest. Making drugs more readily available will only propel more individuals into a life of crime and violence.

Contrary to what the legalization proponents say, profit is not the only reason for the high rates of crime and violence that are associated with the drug trade * * *. Drugs are illegal because they are harmful—to both body and mind."

The message is very, very clear. * * * Those who can least afford further hardship in their lives would be much worse off if drugs were legalized.

Crude marijuana contains over 400 different chemicals. Safer and more effective medications are preferred by physicians. We need to support this resolution and reject those who make empty promises to patients with chronic illnesses.

Mr. MCCOLLUM. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. COX).

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

I have listened carefully to the debate and it occurs to me that those who have been speaking against the resolution have not read it. They have been attacking various public policy positions that some people in America might or might not hold, but they have not been mentioning the resolution. The resolution itself is very, very clear, it is very straightforward, and it is indeed entirely consistent with Proposition 215 in California.

The resolution says the following. First, it declares that Congress continues to support the existing Federal legal process for determining the safety and efficacy of drugs. That is the law, it is the existing Federal law, and a vote against this resolution, then, is to take the position that Congress no longer supports the existing Federal legal process for determining the safety and efficacy of drugs.

The second thing that the resolution says is that the Attorney General, the Department of Justice, in other words, shall submit to the Congress a report, a report on the efforts of the Clinton administration to enforce existing laws. Now, perhaps the Congress does not want to know whether or not the administration is enforcing existing laws; perhaps the minority does not wish to know that because the administration has a pretty sorry record on that score.

In 1992, President Bush committed $1.5 billion to drug interdiction. In 1993, President Clinton cut $200 million out of that effort and rolled back significant other involvement by the Coast Guard, the U.S. Customs, Border Patrol and the National Guard. He then further cut his own Anti-Drug Policy Office from 146 persons down to 25. In 1993 and 1994, out of 2,600 speeches and interviews, President Clinton did not speak more than 2 dozen times on the topic. Under President Clinton's watch, marijuana use among youths has more than doubled, more than doubled during the Clinton administration. President Clinton and Vice President GORE and their FDA have raised a lot of hell about tobacco smoking, and that is important, but the FDA cares only about whether or not there is tobacco in that cigarette. Go ahead and put marijuana in it, and that is a different score.

What we are interested in with this resolution is where is the FDA when we put something besides tobacco in a cigarette? The FDA went out of its way in order to claim jurisdiction which Congress had not explicitly given it over tobacco to determine that a cigarette is a medical device. Now, that strains the lexicon a bit, but nonetheless, they made that determination. A cigarette is a medical device and, therefore, the FDA has jurisdiction under our FDA statutes over tobacco. Well, surely, then, if a cigarette is a medical device, the FDA has jurisdiction over marijuana when put in a cigarette and smoked. But the FDA has done nothing to determine the safety and efficacy of marijuana for medical uses.

It is already the law that doctors can prescribe marijuana to sick patients,

and that is not what we are talking about here. But what we do wish to do is get the FDA to focus as much as they are focused on tobacco on what happens when we put marijuana in those cigarettes.

Mr. Speaker, the last thing that the resolution does is it asks the FDA, the Commissioner of foods and drugs, to submit to the Congress a report on the specific efforts underway to enforce existing law. That is the entirety of what this resolution does, and a vote against this resolution is a vote against either 1 or all 3 of those things, a position which is untenable if one takes as seriously smoking marijuana as one takes smoking a tobacco cigarette.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself 1 minute to say there is one part of this resolution that specifically affirms the FDA's current rules for determining not just the safety of a drug, but efficacy.

So if one votes for this and if one has told people in their district that they think the FDA has been too restrictive on certain kinds of drugs, if one thinks they have been too much interfering with people's rights to make their own choices without regard to safety, understand that this resolution contradicts it. Because one of the specific things in this resolution is an explicit endorsement of the rules of the FDA, not just regarding safety, but efficacy.

Now, I know Members have written in and said, oh, yeah, the FDA has been too harsh on this drug and too harsh on that drug. I know Members have told people that they think the FDA has been too restrictive. Understand that this resolution is not just about marijuana; this is an explicit endorsement of current FDA procedures for dealing not only with safety, but efficacy, telling people that the FDA will tell them whether or not they can take a certain substance, even if it is not going to do them any harm.

Mr. Speaker, I yield 3½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I rise in opposition to this questionable election year resolution. I do so as one who chose personally to never experiment with marijuana, either inhaling or not inhaling, and who shares the professed concerns of the supporters of this resolution that we do nothing to glamourize the recreational use of marijuana.

I think that the gentleman from California has just made 2 points that deserve further consideration. One is he suggests that we read the resolution. I have. Not all of the electioneering in the early "whereas" clauses, but what this resolution actually does. All that it does is to ask the Attorney General for some data which a phone call or one 32-cent stamp would probably produce.

The other thing it does is to place Congress on record in telling the States that they ought not to pass anymore initiatives on this subject. I suggest that is going to be about as meaningful as them getting up and making this list of speeches this afternoon as far as the views of people in the individual States.

The gentleman from California also makes an important comparison between marijuana and tobacco. This House has chosen to do absolutely nothing about a much more addictive drug, that being nicotine, that threatens the lives of thousands of our young people each day. This House has chosen, though there have been many statements to the contrary, including by the Speaker, that we have chosen to avoid an opportunity to deal with the very serious public health problem that addicts 3,000 more young people every day to nicotine; it has chosen to avoid that. The only way it has addressed that issue was the unsuccessful attempt last year to pass a $50 billion tax break for the tobacco companies.

But on the specific issue of marijuana use for medicinal purposes, it seems to me that the basic difference that we have on this issue is whether to entrust that decision to the scientific community, to the medical community, or repeatedly to turn to Dr. NEWT. I think that if someone has a serious cancer, a serious case of glaucoma, one of the other uses for which medicinal use of marijuana has been recommended, I would like them to determine whether they might be saved some serious pain and suffering that no other kind of medication attempts to relieve, not based on my opinion, not based on Dr. NEWT's opinion, but based on their doctor and their scientific community as to whether this is an appropriate way to reduce the pain and the suffering that that person has.

I note that the New England Journal of Medicine, one of the most respected publications in the medical community in this country, and a number of oncologists in this country seem to believe that this substance has some benefits, and for this Congress to mingle politics into medicine is a mistake. But perhaps it was put best by a Florida woman who successfully uses marijuana to treat glaucoma in her eye who said, "You cannot outlaw compassion, self preservation, or survival." That is what is proposed as we inject here on the eve of the election Dr. NEWT in a medical decision.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). The Chair would point out that Members should not refer to other Members by their first names.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of House joint resolution 117, the sense of Congress on marijuana, and I commend the sponsor of the resolution, the gentleman from Florida (Mr. MCCOLLUM) for bringing this measure to the floor at this time.

In recent years, promoting so-called medicinal uses for marijuana has taken hold in several States. In 1996, the voters in both California and Arizona passed referendums in defiance of the Federal law permitting the use of marijuana as a medical device primarily for pain relief.

This resolution, a result of several committee hearings and intensive research, expresses the sense of the Congress that marijuana contains no plausible medicinal benefits and that it is, in fact, harmful to the smoker.

Specifically, the resolution restates congressional commitment to keep marijuana on the roster of Schedule 1 of the Controlled Substances Act and requests 2 reports, one from the Attorney General, on the amount of marijuana seized and destroyed, as well as the number of marijuana prosecutions from 1992 through 1997; and secondly, from the Commissioner of the Food and Drug Administration on the efforts to enforce current laws prohibiting the sale and use of Schedule 1 drugs.

Mr. Speaker, the number of adolescents who have used marijuana has doubled since 1993. It has been well established that marijuana is a gateway drug, the use of which often leads to more serious drug consumption such as heroin and cocaine use. These trends need to be reversed.

Moreover, I believe that it is important for Congress to take a firm stand on the issue of medicinal use of marijuana. This is a poor cover for the larger issue of drug legalization. Accordingly, I urge my colleagues to strongly support this worthwhile resolution.

The SPEAKER pro tempore. The Chair would point out that the gentleman from Florida (Mr. MCCOLLUM) has 3½ minutes remaining; the gentleman from Massachusetts (Mr. FRANK) has 7 minutes remaining.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. PAUL), a real doctor.

Mr. PAUL. Mr. Speaker, I am a physician, I am a parent and I am a grandparent, and I am convinced that drugs are a very, very serious problem in this country, not only the illegal ones, but the legal ones as well. Just last year, 106,000 people died from the legal use of drugs. We are drug dependent, on the illegal drugs and on the legal tranquilizers. That is a major problem.

But I have also concluded that the war on drugs is a failed war and that we should be doing something else. I might point out that the argument for the use of marijuana in medicine is not for pain. To say that it has not relieved pain is not what this is about. Marijuana has been used by cancer patients who have been receiving chemotherapy

who have intractable nausea. It is the only thing they have found that has allowed them to eat, and so many cancer patients die from malnutrition. The same is true about an AIDS patient. So this is a debate on compassion, as well as legality.

But the way we are going about this is wrong. I am rather surprised in our side of the aisle that champions limited government and States' rights, that they use the FDA's ability to regulate nicotine as an excuse and the legal loophole for the Federal Government to be involved in marijuana. I might remind them that 80 years ago when this country decided that we should not have alcohol, they did not come to the Congress and ask for a law. They asked for a constitutional amendment realizing the Congress had no authority to regulate alcohol. Today we have forgotten about that. Many of my colleagues might not know or remember that the first attack on the medicinal use of marijuana occurred under the hero of the left, F.D.R., in 1937. Prior to 1937, marijuana was used medicinally, and it was used with only local control.

The Federal controls on illicit drugs has not worked and it is not working when it comes to marijuana. Once again, we have States saying, just allow the physician the option to give some of these people some marijuana. Possibly it will help. I think the jury is still out about how useful it is. But for us to close it down and say one cannot, and deny some comfort to a dying patient, I do not think this is very compassionate one way or the other.

The war on drugs has been going on now for several decades. We have spent over $200 billion. There is no evidence to show that there is less drug usage in this country.

□ 1400

I have a program designed, which I cannot present here, that will change our policy and attack the drugs in a much different way.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, it is hard to believe, at a time when this entire Nation is abuzz about what kind of moral leadership is coming out of Washington, that we even have to consider this resolution.

In my hometown in Fort Wayne and throughout northeast Indiana and throughout this country, kids are dying in the streets, they are dying in automobile wrecks, they are getting shot down as innocent bystanders in drug wars, most of which started in some kind of combination of cigarettes, alcohol, and marijuana.

We have seen a lowering in attitudes about the positive usage of cigarettes. We need to make more gains on alcohol. But we have seen a reversal in the trends on marijuana, partly because the leaders of our country have not spoken out as strongly.

The last thing we need in this House are Members of Congress using the word simultaneously with medicinal use of marijuana when what they actually mean is a component inside marijuana, THC, and giving the implication that somehow this is a medicine, at a time when young people are becoming more lax in their attitudes and in their usage.

Directly to make this point, in California, it is not for cancer patients. It also can be used for such things as memory recall, writer's cramp, corn callouses. It was a back doorway in California and Arizona and other places where misleading commercials were run, funded predominantly by a man named George Soros and two of his allies who have poured $15 million over 5 years into this to oppose the war on drugs.

Among his statements in Time Magazine was, "I do want to weaken drug laws. I think they are unnecessarily severe. The injustice of the thing is outrageous."

The director of Soros' Lindesmith Center said, it is nice to think that in another 5 to 10 years the right to possess or consume drugs may be as powerfully and widely understood as other rights of Americans.

We are at a moral crossroads in this country. The question is, where do we in Congress stand? Are we going to work to protect our kids in this country, or are we going to weaken these laws that we have tried to uphold?

I am very concerned about this trend, and I hope the Members of Congress understand the moral responsibilities of this office.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself my remaining time.

Mr. Speaker, while I was glad to hear my friend express such indignation at the large amounts of money George Soros is spending in a referendum, that is the first support we have heard from that side for campaign finance reform, at least in principle.

Of course we have people on that side who think spending unlimited amounts of money is a good thing when they agree with the cause. It only becomes bad when they disagree with the cause.

That is where we are with States' rights. The gentleman from New York who spoke on the left said he was for States' rights, and that is true. I can say now that I know this Republican majority very well. They are for the right of any State to do anything they agree with. But let a State diverge, and that State is going to be spanked.

The gentleman from California (Mr. Cox) who spoke is a little embarrassed, perhaps, because there is a resolution that talks about how dumb his own State is. He said, well, there is nothing in this resolution which criticizes the State.

That is only partially a good description. It is the case, and I will give the majority this, they did recognize that the resolution that they put through committee was a little too explicit in spanking the State.

The Committee on the Judiciary passed a resolution calling the States all kinds of names in effect, and telling the States not to do this, and wagging their finger at the States. They get a little embarrassed about it, but I am going to put it in the RECORD anyway, Mr. Speaker, because I think people ought to know what they were really trying to get at.

So then they cleaned it up some. But they did leave in this telling phrase, "Congress opposes efforts to circumvent this process." They are talking about California's referendum. What effort is that? To circumvent the process. So this resolution does say to the States, "Naughty, naughty. How dare you differ with us?"

The fact is it also goes on to say, and I think this is important for Members to understand, this is not just about marijuana, Congress continues to support the existing Federal legal process for determining the safety and efficacy of drugs, all drugs.

I know there have been Members on both sides who have been questioning whether the FDA ought to have the kind of control it has where efficacy is involved. We all believe the FDA should say that is not safe.

Indeed, this Congress passed a bill, I think it was sponsored by the gentleman from Utah and, I know, our former colleague, the gentleman from New Mexico, recently which relaxed FDA control. There were others who wanted to relax FDA control further.

If my colleagues have told constituents that they want to relax some FDA rules on determining efficacy, and if they vote for this resolution, they better write them an apology, because they have just undercut that statement.

The final thing I want to say, in addition to saying that it seems to be that States ought to be able to make some decisions in this matter, and this resolution is clearly an effort to stop the States from deviating from whatever the national orthodoxy is, the gentleman from Texas (Mr. PAUL) who spoke made a very important point. People get up and they talk about how terrible the drug problem is and then talk about the importance of continuing our current policy approach.

There is a great inconsistency here. When we talk about poverty, public housing, welfare, we have a tendency to have people look at the amount of money spent, then look at the fact that the problem has, if anything, gotten worse, and say therefore we must stop. That method of analysis has turned on its head for drugs.

There is a real problem in the way we have fought drugs. Obviously trying to diminish drug use particularly, but not only among young people, ought to be a very high public policy goal. But this current extremely punitive approach, this current approach of not differentiating in this between marijuana use for medical purposes and drugs that are instantly mind altering doesn't work. It undercuts.

One Member complained about the diminution of funds for interdiction. Interdiction seems to me a prime example of money wasted. Given the scope of this country, the size, the commerce, the people who come and go, physically keeping out terribly small amounts of things is fruitless compared to money that could go into law enforcement, that could go into prevention, that could go into education.

So what we have here is the latest, as the previous resolution was, the latest endorsement of more of the same, and a failed policy, a policy that says you can shoot drugs out of existence, you can outlaw them. It did not work for alcohol. It would not work for tobacco. This approach of being exclusively punitive and not allowing any differentiation does not work here.

The document referred to above is as follows:

Referral to the Committee on Commerce extended for a period ending not later than March 18, 1998.

Committee on Commerce discharged; referred to the House Calendar and ordered to be printed.

Resolution expressing the sense of the House of Representatives that marijuana is a dangerous and addictive drug and should not be legalized for medicinal use

Whereas certain drugs are listed on Schedule I of the Controlled Substances Act if they have a high potential for abuse, lack any currently accepted medical use in treatment, and are unsafe, even under medical supervision;

Whereas the consequences of addiction to Schedule I drugs are well documented, particularly with regard to physical health, highway safety, criminal activity, and domestic violence;

Whereas marijuana—which along with crack cocaine, heroin, PCP, and more than 100 other drugs, has long been classified as a Schedule I drug—is both dangerous and addictive, with research clearly demonstrating that smoked marijuana impairs normal brain functions and damages the heart, lungs, reproductive, and immune systems;

Whereas before any drug can be approved as a medication in the United States, it must meet extensive scientific and medical standards established by the Food and Drug Administration, and marijuana has not been approved by the Food and Drug Administration to treat any disease or condition;

Whereas a review by the Annals of Internal Medicine of more than 6,000 articles from the medical literature evaluating the potential medicinal applications of marijuana concluded that marijuana is not a medicine, that its use causes significant toxicity, and that numerous safe and effective medicines are available, which means that the use of crude marijuana for medicinal purposes is unnecessary and inappropriate;

Whereas on the basis of the scientific evidence and the testimony of the American Medical Association, the American Cancer Society, the National Multiple Sclerosis Association, the American Academy of Ophthalmology, the National Eye Institute, and the National Institute of Drug Abuse, marijuana has not met the necessary standards to be approved as medicine;

Whereas the States of Arizona and California, through State initiatives in 1996, legalized the sale and use of marijuana for 'medicinal' use, while the State of Washington in 1997 rejected an initiative to legalize the sale and use of marijuana for 'medicinal' use;

Whereas after the initiative in Arizona, the legislature of the State of Arizona, with the support of a majority of the citizens of the State, passed legislation to prevent the dispensing of any substance as medicine which had not first been approved as medicine by the Food and Drug Administration, thereby preventing marijuana from being dispensed in the State;

Whereas these States and a majority of States in the United States, as well as the District of Columbia, have been targeted by out-of-State organizations which advocate drug legalization for 'medical' marijuana initiatives in 1998 and 1999, and these organizations have provided the majority of the financial support for these State initiatives;

Whereas some individuals and organizations who support 'medical' marijuana initiatives do oppose drug legalization, prominent pro-legalization organizations have admitted their strategy is to promote drug legalization nationally through State 'medical' marijuana initiatives, and, as such, are seeking to exploit the public's compassion for the terminally ill to advance their agenda;

Whereas marijuana use by 8th, 10th, and 12th graders declined steadily from 1980 to 1992, but, from 1992 to 1996, such use dramatically increased—by 253 percent among 8th graders, 151 percent among 10th graders, and 84 percent among 12th graders—and the average age of first-time use of marijuana is now younger than it has ever been;

Whereas according to the 1997 survey by the Center on Addiction and Substance Abuse at Columbia University, 500,000 8th graders began using marijuana in the 6th and 7th graders;

Whereas according to that same 1997 survey, youths between the ages of 12 and 17 who use marijuana are 85 times more likely to use cocaine than those who abstain from marijuana and 60 percent of adolescents who use marijuana before the age of 15 will later use cocaine;

Whereas the rate of drug use among youth is linked to their perceptions of the risks which are related to drugs and, in that regard, the glamorization of marijuana and the ambiguous cultural messages about marijuana use are contributing to a growing acceptance of marijuana use among adolescents and teenagers;

Whereas surveys taken in the wake of State 'medical' marijuana initiatives indicate a more approving attitude toward marijuana use among teenagers than prior to the initiatives; and

Whereas the evidence of the last 2 years indicates that the more the public learns about the facts behind the 'medical' marijuana campaign, the more strongly opposed the public become to such initiatives: Now, therefore, be it

Resolved, That—

(1) the United States House of Representatives is unequivocally opposed to legalizing marijuana for medicinal use, and urges the defeat of State initiatives which would seek to legalize marijuana for medicinal use; and

(2) the Attorney General of the United States should submit a report to the Committee on the Judiciary of the House of Representatives before the end of the 90-day period beginning on the date of the adoption of this resolution on—

(A) the total quantity of marijuana eradicated in the United States beginning with 1992 through 1997; and

(B) the annual number of arrests and prosecutions for Federal marijuana offenses beginning with 1992 through 1997.

The SPEAKER pro tempore (Mr. SHIMKUS). The time of the gentleman from Massachusetts (Mr. FRANK) has expired.

Mr. MCCOLLUM. Mr. Speaker, I yield myself the remaining time that I may have.

Mr. Speaker, THC, the active ingredient for medicinal purposes in marijuana, is available widely as a prescription drug known as Merinol for pain and other purposes, that doctors can prescribe anywhere in the United States today.

Unfortunately, smoke marijuana is dangerous to your health. The American Medical Association believes that, the National Institutes of Health believes that, and numerous other organizations, including the American Cancer Society, believe that.

I do not have the scientific expertise, but I have listened to them. I am convinced it is dangerous; that it means those who are HIV-positive will turn AIDS-symptomatic twice as fast if they smoke marijuana regularly than those who do not.

I do not think that any of us want to see smoke marijuana made legal anywhere in this country for any purpose at all that is going to be detrimental to your health, especially when the Food and Drug Administration has never approved it as a drug and where no doctor in this country can prescribe it in the traditional meaning of the word "prescription" because the FDA never approved it.

That is what prescription means. Every drug in the history of this country today, modern times, has to be approved by the Food and Drug Administration before a doctor is allowed to prescribe it. Marijuana cannot be prescribed without FDA approval. FDA has refused again and again and again to approve it in the smoke form.

I encourage my colleagues to adopt this resolution that says simply that we oppose efforts to circumvent the process by legalizing marijuana and other Schedule I drugs for medicinal use without valid scientific evidence and the approval of the Food and Drug Administration, because to do otherwise is a back doorway of legalizing marijuana. That is all there is to it.

A vote for this resolution today is a vote for the normal process of the Food and Drug Administration approval and doctors' prescriptions being required

before any use as medicine. A vote against this resolution is frankly a vote to legalize marijuana for all purposes, because that is what would happen if we were not to use the traditional processes.

Mr. BUYER. Mr. Speaker, Americans take their medicine in pills, shots, sprays, solutions, drops, creams, and suppositories * * * but no medicine in the United States is smoked.

Proponents of marijuana argue that our compassion for those suffering physical ailments should override our common sense and steadfastness in combating illegal drugs.

With regard to cancer, proponents argue that marijuana will decrease the nausea associated with chemotherapy. The Truth is that marijuana contains cancer-causing substances, many of which are in higher concentrations than in tobacco. The National Cancer Institute reports that new drugs have been shown more effective than marijuana.

With regard to AIDS, proponents argue that smoking marijuana will relieve the physical wasting aspects of the disease. The Truth is smoking, whether tobacco or marijuana or crack cocaine, has been shown to increase the risk of developing bacterial pneumonia in HIV-positive immune-compromised patients.

After 30 years of research, we know that marijuana impairs learning and memory, perception and judgement. It impairs complex motor skills and judgement of speed and time. Among chronic users it decreases drive and ambition.

Finally, marijuana use among our young people is increasing * * * alarmingly so. From 1992 to 1996, marijuana use increased by 253 percent among 8th graders, 151 percent among 10th graders, and 84 percent among 12th graders.

We should not let our compassion for the terminally ill and those in chronic pain to deceive us into treating a dangerous drug as medicine. Support the resolution opposing marijuana as medicine.

Mr. NADLER. Mr. Speaker, today we are debating a non-binding resolution that would express the sense of the Congress that because marijuana is a Schedule One controlled substance, and therefore an illegal drug, then its use for medicinal purposes should be prohibited. This is absurd. Medical use of marijuana is a public health issue; it is not part of the war on drugs. Marijuana has been proven to relieve the pain and suffering of seriously ill patients. It is unconscionable to deny an effective medication to those in need.

It would seem that the Speaker of the House and the distinguished Chairman of our own Crime Subcommittee once agreed with that position. In 1981, Representative NEWT GINGRICH and Representative BILL MCCOLLUM, co-sponsored H.R. 4498, a bill introduced by the late Congressman Stuart McKinney, that would allow the medicinal use of marijuana. In 1985, Chairman MCCOLLUM again co-sponsored H.R. 2282, a bill reintroduced by Congressman McKinney, which would have allowed the medicinal use of marijuana. I, along with many others, would be very interested to learn why our colleagues changed their minds.

Mr. Speaker, prestigious groups such as the National Academy of Sciences, the American Public Health Association, and the British Medical Association have endorsed the medical use of marijuana. I would like to refer my colleagues to an article that was published by the Journal of the American Medical Association (JAMA, June 21, 1995–Vol. 272, No. 23) for more detailed information regarding the legislative and medical history regarding the medicinal use of marijuana.

Most recently, a National Institutes of Health report released in August of 1997 urged the federal government to play an active role in facilitating clinical evaluations of medical marijuana. More than 30 medical groups, including the ones I have previously cited, have endorsed prescriptive access to marijuana, under a physician's supervision. Several medical groups, including the American Medical Association and the American Cancer Society have endorsed a physician's right to recommend or discuss marijuana therapy with their patients.

Several published studies have found that the best established medical use of marijuana is as an anti-nauseant for cancer chemotherapy. In addition, these same studies have found that medicinal use of marijuana has helped in treating patients with glaucoma, chronic muscle pain, multiple sclerosis, epilepsy, spinal cord injury, and paraplegia. Tens of thousands of cancer and AIDS patients use medical marijuana, and they report that it is effective in reducing the nausea and vomiting associated with cancer and AIDS treatment. In a 1990 survey, 44 percent of oncologists said they had suggested that a patient smoke marijuana for relief of the nausea induced by chemotherapy.

Mr. Speaker, I would like to address the question of a state's right to implement policy that the voters of those states have supported. Many states have held, or are planning to hold, state referenda on the use of medical marijuana. Two states, California and Arizona, have successfully passed legislation to allow the prescribed use of marijuana for medicinal purposes. The voters of these states have spoken and in our democratic system they must be respected. Those on the other side of the aisle seem to constantly remind us of the power of big government over the ability of states to make their own policies. Who is championing big government now? Where are all the state's rights supporters on this issue?

Finally, Mr. Speaker, permitting the medical use of marijuana to alleviate the pain and suffering of people with seriously ill conditions does not send the wrong message to children or anyone else. It simply says that we are compassionate and intelligent enough to respect the rights of patients and the medical community to administer what is medically appropriate care. It is time for this Congress to acknowledge that a ban on the medicinal use of marijuana is scientifically, legally, and morally wrong.

Mr. DIXON. Mr. Speaker, I rise to express my opposition to H.J. Res. 117. The voters of California have showed their support for allowing doctors to recommend marijuana for seriously ill patients by voting for the state's Proposition 215 in November 1996. House Joint Resolution 117 attempts to infringe upon the decisions of California citizens by expressing Congress' opposition to the medicinal use of marijuana. While I did not support the California initiative, I oppose this resolution which attempts to nullify their choice.

Ms. PELOSI. Mr. Speaker, I rise in opposition to H.J. Res. 117 because this bill accomplishes nothing in the war on drug abuse other than highlight the misplaced emphasis of the country's anti-drug efforts. The bill seeks to tell voters how to cast their votes, and disregards the votes of over five million people in my state. It focuses on arrests and prosecution rather than education and treatment as the answer to drug abuse. And it seeks to make criminals of people in pain because of serious illnesses. This is no war on drugs. It is political grandstanding.

H.J. Res. 117 disregards the proven medicinal uses of marijuana, including increasing the appetites of people with AIDS who have wasting syndrome, and reducing nausea and vomiting resulting from chemotherapy.

Opponents of medicinal marijuana argue that there are other ways to ingest the active ingredient in marijuana, including the use of synthetic THC. However we know that the oral drug containing THC does not work for all people. The logic of the authors of this legislation therefore seems to be that a very ill person should be sent to jail because he or she used the smokable form of a drug whose active ingredient is currently licensed for oral use.

Voters in my home state passed an initiative authorizing seriously ill patients to take marijuana upon the recommendation of a licensed physician. Proposition 215 has provided as many as 11,000 Californians who suffer from AIDS and other debilitating diseases with safe and legal access to a drug that makes life a little more bearable. Fifty-six percent of the electorate voted for Prop 215. The voters have spoken, and there is no need for federal intrusion on this matter. Thousands of constituents in my district struggling with AIDS and cancer will tell you that choosing the appropriate medical treatment should be a decision for public health officials, physicians and patients. Congress would do well to stay out of the prescription business.

Mr. Speaker, I look forward to the day when we can pass truly effective measures to address drug abuse in our country. According to the Legal Action Center, over half of federal drug control spending is dedicated to the criminal justice system, and only 18% goes to drug treatment. To effectively fight the war on drug abuse we must get our priorities in order and fund treatment and education. Today's legislation, which encourages making criminals of seriously ill people who seek proven therapy, is not a step towards controlling America's drug problem. I therefore oppose H.J. Res. 117.

The SPEAKER pro tempore. The time of the gentleman from Florida (Mr. MCCOLLUM) has expired.

The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and agree to the joint resolution (H.J. Res. 117), as amended.

The question was taken.

Mr. MCCOLLUM. 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.

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1998

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2073) to authorize appropriations for the National Center for Missing and Exploited Children, as amended.

The Clerk read as follows:

S. 2073

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Juvenile Crime Control and Delinquency Prevention 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 JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974
Sec. 101. Findings.
Sec. 102. Purpose.
Sec. 103. Definitions.
Sec. 104. Name of office.
Sec. 105. Concentration of Federal effort.
Sec. 106. Coordinating Council on Juvenile Justice and Delinquency Prevention.
Sec. 107. Annual report.
Sec. 108. Allocation.
Sec. 109. State plans.
Sec. 110. Juvenile delinquency prevention block grant program.
Sec. 111. Research; evaluation; technical assistance; training.
Sec. 112. Demonstration projects.
Sec. 113. Authorization of appropriations.
Sec. 114. Administrative authority.
Sec. 115. Use of funds.
Sec. 116. Limitation on use of funds.
Sec. 117. Rule of construction.
Sec. 118. Leasing surplus Federal property.
Sec. 119. Issuance of Rules.
Sec. 120. Technical and conforming amendments.
Sec. 121. References.
TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT
Sec. 201. Findings.
Sec. 202. Authority to make grants for centers and services.
Sec. 203. Eligibility.
Sec. 204. Approval of applications.
Sec. 205. Authority for transitional living grant program.
Sec. 206. Eligibility.
Sec. 207. Authority to make grants for research, evaluation, demonstration, and service projects.
Sec. 208. Temporary demonstration projects to provide services to youth in rural areas.
Sec. 209. Sexual abuse prevention program.
Sec. 210. Assistance to potential grantees.
Sec. 211. Reports.
Sec. 212. Evaluation.
Sec. 213. Authorization of appropriations.
Sec. 214. Consolidated review of applications.
Sec. 215. Definitions.
Sec. 216. Redesignation of sections.
Sec. 217. Technical amendment.
TITLE III—INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS
Sec. 301. Duties and functions of the Administrator.
Sec. 302. Grants for prevention programs.
Sec. 303. Repeal of definition.
Sec. 304. Authorization of appropriations.
TITLE IV—MISCELLANEOUS AMENDMENTS
Sec. 401. National Resource Center and Clearinghouse for Missing Children.
TITLE V—REFORMING THE FEDERAL JUVENILE JUSTICE SYSTEM
Sec. 501. Delinquency proceedings or criminal prosecutions in
Sec. 502. Custody prior to appearance before judicial officer.
Sec. 503. Technical and conforming amendments to section 5034.
Sec. 504. Detention prior to disposition or sentencing.
Sec. 505. Speedy trial.
Sec. 506. Disposition; availability of increased detention, fines and supervised release for juvenile offenders.
Sec. 507. Juvenile records and fingerprinting.
Sec. 508. Technical amendments of sections 5031 and 5034.
Sec. 509. Clerical amendments to table of sections for chapter 403.
TITLE VI—APPREHENDING ARMED VIOLENT YOUTH
Sec. 601. Armed violent youth apprehension directive.
TITLE VII—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND PUBLIC PROTECTION INCENTIVE GRANTS
Sec. 701. Short title.
Sec. 702. Block grant program.
TITLE VIII—SPECIAL PRIORITY FOR CERTAIN DISCRETIONARY GRANTS
Sec. 801. Special priority.
TITLE IX—GRANT REDUCTION
Sec. 901. Parental notification.
TITLE X—GENERAL PROVISIONS
Sec. 1001. Effective date; application of amendments.

TITLE I—AMENDMENTS TO JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. FINDINGS.

Section 101 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is amended to read as follows:

"FINDINGS

"SEC. 101. (a) The Congress finds the following:

"(1) There has been a dramatic increase in juvenile delinquency, particularly violent crime committed by juveniles. Weapons offenses and homicides are 2 of the fastest growing crimes committed by juveniles. More than ½ of juvenile victims are killed with a firearm. Approximately ⅕ of the individuals arrested for committing violent crime are less than 18 years of age. The increase in both the number of youth below the age of 15 and females arrested for violent crime is cause for concern.

"(2) This problem should be addressed through a 2-track common sense approach that addresses the needs of individual juveniles and society at large by promoting—

"(A) quality prevention programs that—

"(i) work with juveniles, their families, local public agencies, and community-based organizations, and take into consideration such factors as whether or not juveniles have been the victims of family violence (including child abuse and neglect); and

"(ii) are designed to reduce risks and develop competencies in at-risk juveniles that will prevent, and reduce the rate of, violent delinquent behavior; and

"(B) programs that assist in holding juveniles accountable for their actions, including a system of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts, and methods for increasing victim satisfaction with respect to the penalties imposed on juveniles for their acts.

"(b) Congress must act now to reform this program by focusing on juvenile delinquency prevention programs, as well as programs that hold juveniles accountable for their acts. Without true reform, the criminal justice system will not be able to overcome the challenges it will face in the coming years when the number of juveniles is expected to increase by 30 percent.".

SEC. 102. PURPOSE.

Section 102 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602) is amended to read as follows:

"PURPOSES

"SEC. 102. The purposes of this title and title II are—

"(1) to support State and local programs that prevent juvenile involvement in delinquent behavior;

"(2) to assist State and local governments in promoting public safety by encouraging accountability for acts of juvenile delinquency; and

"(3) to assist State and local governments in addressing juvenile crime through the provision of technical assistance, research, training, evaluation, and the dissemination of information on effective programs for combating juvenile delinquency.".

SEC. 103. DEFINITIONS.

Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) in paragraph (3) by striking "to help prevent juvenile delinquency" and inserting "designed to reduce known risk factors for juvenile delinquent behavior, provides activities that build on protective factors for, and develop competencies in, juveniles to prevent, and reduce the rate of, delinquent juvenile behavior",

(2) in paragraph (4) by inserting "title I of" before "the Omnibus" each place it appears,

(3) in paragraph (7) by striking "the Trust Territory of the Pacific Islands,",

(4) in paragraph (9) by striking "justice" and inserting "crime control",

(5) in paragraph (12)(B) by striking ", of any nonoffender,",

(6) in paragraph (13)(B) by striking ", any non-offender,",

(7) in paragraph (14) by inserting "drug trafficking," after "assault,",

(8) in paragraph (16)—

(A) in subparagraph (A) by adding "and" at the end, and

(B) by striking subparagraph (C),

(9) by striking paragraph (17),

(10) in paragraph (22)—

(A) by redesignating subparagraphs (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively, and

(B) by striking "and" at the end,

(11) in paragraph (23) by striking the period at the end and inserting a semicolon,

(12) by redesignating paragraphs (18), (19), (20), (21), (22), and (23) as paragraphs (17) through (22), respectively, and

(13) by adding at the end the following:

"(23) the term 'boot camp' means a residential facility (excluding a private residence) at which there are provided—

"(A) a highly regimented schedule of discipline, physical training, work, drill, and ceremony characteristic of military basic training.

"(B) regular, remedial, special, and vocational education; and

"(C) counseling and treatment for substance abuse and other health and mental health problems;

"(24) the term 'graduated sanctions' means an accountability-based, graduated series of sanctions (including incentives and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system;

"(25) the term 'violent crime' means—

"(A) murder or nonnegligent manslaughter, forcible rape, or robbery, or

"(B) aggravated assault committed with the use of a firearm;

"(26) the term 'co-located facilities' means facilities that are located in the same building, or are part of a related complex of buildings located on the same grounds; and

"(27) the term 'related complex of buildings' means 2 or more buildings that share—

"(A) physical features, such as walls and fences, or services beyond mechanical services (heating, air conditioning, water and sewer); or

"(B) the specialized services that are allowable under section 31.303(e)(3)(i)(C)(3) of title 28 of the Code of Federal Regulations, as in effect on December 10, 1996.".

SEC. 104. NAME OF OFFICE.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by amending the heading of part A to read as follows:

"PART A—OFFICE OF JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION",

(2) in section 201(a) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(3) in subsections section 299A(c)(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention".

SEC. 105. CONCENTRATION OF FEDERAL EFFORT.

Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended—

(1) in subsection (a)(1) by striking the last sentence,

(2) in subsection (b)—

(A) in paragraph (3) by striking "and of the prospective" and all that follows through "administered",

(B) by striking paragraph (5), and

(C) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively,

(3) in subsection (c) by striking "and reports" and all that follows through "this part", and inserting "as may be appropriate to prevent the duplication of efforts, and to coordinate activities, related to the prevention of juvenile delinquency",

(4) by striking subsection (i), and

(5) by redesignating subsection (h) as subsection (f).

SEC. 106. COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION.

Section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616) is repealed.

SEC. 107. ANNUAL REPORT.

Section 207 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5617) is amended—

(1) in paragraph (2)—

(A) by inserting "and" after "priorities,", and

(B) by striking ", and recommendations of the Council",

(2) by striking paragraphs (4) and (5), and inserting the following:

"(4) An evaluation of the programs funded under this title and their effectiveness in reducing the incidence of juvenile delinquency, particularly violent crime, committed by juveniles.", and

(3) by redesignating such section as section 206.

SEC. 108. ALLOCATION.

Section 222 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking "amount, up to $400,000," and inserting "amount up to $400,000",

(II) by inserting a comma after "1992" the 1st place it appears,

(III) by striking "the Trust Territory of the Pacific Islands,", and

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000",

(ii) in subparagraph (B)—

(I) by striking "(other than part D)",

(II) by striking "or such greater amount, up to $600,000" and all that follows through "section 299(a) (1) and (3)",

(III) by striking "the Trust Territory of the Pacific Islands,",

(IV) by striking "amount, up to $100,000," and inserting "amount up to $100,000", and

(V) by inserting a comma after "1992",

(B) in paragraph (3) by striking "allot" and inserting "allocate", and

(2) in subsection (b) by striking "the Trust Territory of the Pacific Islands,".

SEC. 109. STATE PLANS.

Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633) is amended—

(1) in subsection (a)—

(A) in the 2nd sentence by striking "challenge" and all that follows through "part E", and inserting ", projects, and activities",

(B) in paragraph (3)—

(i) by striking ", which—" and inserting "that—",

(ii) in subparagraph (A)—

(I) by striking "not less" and all that follows through "33", and inserting "the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws, and",

(II) by inserting ", in consultation with the attorney general of the State or such other State official who has primary responsibility for overseeing the enforcement of State criminal laws" after "State",

(III) in clause (i) by striking "or the administration of juvenile justice" and inserting ", the administration of juvenile justice, or the reduction of juvenile delinquency",

(IV) in clause (ii) by striking "include—" and all that follows through the semicolon at the end of subclause (VIII), and inserting the following:

"represent a multidisciplinary approach to addressing juvenile delinquency and may include—

"(I) individuals who represent units of general local government, law enforcement and juvenile justice agencies, public agencies concerned with the prevention and treatment of juvenile delinquency and with the adjudication of juveniles, representatives of juveniles, or nonprofit private organizations, particularly such organizations that serve juveniles; and

"(II) such other individuals as the chief executive officer considers to be appropriate; and", and

(V) by striking clauses (iv) and (v),

(iii) in subparagraph (C) by striking "justice" and inserting "crime control",

(iv) in subparagraph (D)—

(I) in clause (i) by inserting "and" at the end,

(II) in clause (ii) by striking "paragraphs" and all that follows through "part E", and inserting "paragraphs (11), (12), and (13)", and

(III) by striking clause (iii), and

(v) in subparagraph (E) by striking "title—" and all that follows through "(ii)" and inserting "title,",

(C) in paragraph (5)—

(i) in the matter preceding subparagraph (A) by striking ", other than" and inserting "reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding" after "section 222", and

"(ii) in subparagraph (C) by striking "paragraphs (12)(A), (13), and (14)" and inserting "paragraphs (11), (12), and (13)",

(D) by striking paragraph (6),

(E) in paragraph (7) by inserting ", including in rural areas" before the semicolon at the end,

(F) in paragraph (8)—

(i) in subparagraph (A)—

(I) by striking "for (i)" and all that follows through "relevant jurisdiction", and inserting "for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the State",

(II) by striking "justice" the second place it appears and inserting "crime control", and

(III) by striking "of the jurisdiction; (ii)" and all that follows through the semicolon at the end, and inserting "of the State; and",

(ii) by amending subparagraph (B) to read as follows:

"(B) contain—

"(i) a plan for providing needed gender-specific services for the prevention and treatment of juvenile delinquency;

"(ii) a plan for providing needed services for the prevention and treatment of juvenile delinquency in rural areas; and

"(iii) a plan for providing needed mental health services to juveniles in the juvenile justice system;", and

(iii) by striking subparagraphs (C) and (D),

(G) by amending paragraph (9) to read as follows:

"(9) provide for the coordination and maximum utilization of existing juvenile delinquency programs, programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the State;",

(H) in paragraph (10)—

(i) in subparagraph (A)—

(I) by striking ", specifically" and inserting "including",

(II) by striking clause (i), and

(III) redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively,

(ii) by amending subparagraph (B) to read as follows:

"(B) programs that assist in holding juveniles accountable for their actions, including the use of graduated sanctions and of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution for the damage caused by their delinquent behavior;",

(iii) in subparagraph (C) by striking "juvenile justice" and inserting "juvenile crime control",

(iv) by amending subparagraph (D) to read as follows:

"(D) programs that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;",

(v) in subparagraph (E)—

(I) by redesignating clause (ii) as clause (iii), and

(II) by striking "juveniles, provided" and all that follows through "provides; and", and inserting the following:

"juveniles—

"(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations;

"(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and",

(vi) by amending subparagraph (F) to read as follows:

"(F) expanding the use of probation officers—

"(i) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(ii) to ensure that juveniles follow the terms of their probation;",

(vii) by amending subparagraph (G) to read as follows:

"(G) one-on-one mentoring programs that are designed to link at-risk juveniles and juvenile offenders, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working with community-based organizations and agencies) who are properly screened and trained;",

(viii) in subparagraph (H) by striking "handicapped youth" and inserting "juveniles with disabilities",

(ix) by amending subparagraph (K) to read as follows:

"(K) boot camps for juvenile offenders;",

(x) by amending subparagraph (L) to read as follows:

"(L) community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families so that such juveniles may be retained in their homes;",

(xi) by amending subparagraph (M) to read as follows:

"(M) other activities (such as court-appointed advocates) that the State determines will hold juveniles accountable for their acts and decrease juvenile involvement in delinquent activities;",

(xii) by amending subparagraph (N) to read as follows:

"(N) establishing policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;",

(xiii) in subparagraph (O)—

(I) in striking "cultural" and inserting "other", and

(II) by striking the period at the end and inserting a semicolon, and

(xiv) by adding at the end the following:

"(P) a system of records relating to any adjudication of juveniles less than 18 years of age who are adjudicated delinquent for conduct that would be a violent crime if committed by an adult, that is—

"(i) equivalent to the records that would be kept of adults arrested for such conduct, including fingerprints and photographs;

"(ii) submitted to the Federal Bureau of Investigation in the same manner as adult records are so submitted;

"(iii) retained for a period of time that is equal to the period of time records are retained for adults; and

"(iv) available on an expedited basis to law enforcement agencies, the courts, and school officials (and such school officials shall be subject to the same standards and penalties that law enforcement and juvenile justice system employees are subject to under Federal and State law, for handling and disclosing such information);

"(Q) programs that utilize multidisciplinary interagency case management and information sharing, that enable the juvenile justice and law enforcement agencies, schools, and social service agencies to make more informed decisions regarding early identification, control, supervision, and treatment of juveniles who repeatedly commit violent or serious delinquent acts; and

"(R) programs designed to prevent and reduce hate crimes committed by juveniles.",

(I) by amending paragraph (12) to read as follows:

"(12) shall, in accordance with rules issued by the Administrator, provide that—

"(A) juveniles who are charged with or who have committed an offense that would not be criminal if committed by an adult, excluding—

"(i) juveniles who are charged with or who have committed a violation of section 922(x)(2) of title 18, United States Code, or of a similar State law;

"(ii) juveniles who are charged with or who have committed a violation of a valid court order; and

"(iii) juveniles who are held in accordance with the Interstate Compact on Juveniles as enacted by the State;

shall not be placed in secure detention facilities or secure correctional facilities; and

"(B) juveniles—

"(i) who are not charged with any offense; and

"(ii) who are—

"(I) aliens; or

"(II) alleged to be dependent, neglected, or abused;

shall not be placed in secure detention facilities or secure correctional facilities;",

(J) by amending paragraph (13) to read as follows:

"(13) provide that—

"(A) juveniles alleged to be or found to be delinquent, and juveniles within the purview of paragraph (11), will not be detained or confined in any institution in which they have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(B) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles;",

(K) by amending paragraph (14) to read as follows:

"(14) provide that no juvenile will be detained or confined in any jail or lockup for adults except—

"(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

"(i) for processing or release;

"(ii) while awaiting transfer to a juvenile facility; or

"(iii) in which period such juveniles make a court appearance;

"(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained or confined in a jail or lockup—

"(i) in which—

"(I) such juveniles do not have regular contact, or unsupervised incidental contact, with adults incarcerated because such adults have been convicted of a crime or are awaiting trial on criminal charges; and

"(II) there is in effect in the State a policy that requires individuals who work with both such juveniles and such adults in co-located facilities have been trained and certified to work with juveniles; and

"(ii) that—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget);

"(II) has no existing acceptable alternative placement available;

"(III) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or

"(IV) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

"(C) juveniles who are accused of nonstatus offenses and who are detained or confined in a jail or lockup that satisfies the requirements of subparagraph (B)(i) if—

"(i) such jail or lockup—

"(I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget); and

"(II) has no existing acceptable alternative placement available;

"(ii) a parent or other legal guardian (or guardian ad litem) of the juvenile involved consents to detaining or confining such juvenile in accordance with this subparagraph and has the right to revoke such consent at any time;

"(iii) the juvenile has counsel, and the counsel representing such juvenile has an opportunity to present the juvenile's position regarding the detention or confinement involved to the court before the court approves such detention or confinement; and

"(iv) detaining or confining such juvenile in accordance with this subparagraph is—

"(I) approved in advance by a court with competent jurisdiction that has determined that such placement is in the best interest of such juvenile;

"(II) required to be reviewed periodically, at intervals of not more than 5 days (excluding Saturdays, Sundays, and legal holidays), by such court for the duration of detention or confinement; and

"(III) for a period preceding the sentencing (if any) of such juvenile;",

(L) in paragraph (15)—

(i) by striking "paragraph (12)(A), paragraph (13), and paragraph (14)" and inserting "paragraphs (11), (12), and (13)", and

(ii) by striking "paragraph (12)(A) and paragraph (13)" and inserting "paragraphs (11) and (12)",

(M) in paragraph (16) by striking "mentally, emotionally, or physically handicapping conditions" and inserting "disability",

(N) by amending paragraph (19) to read as follows:

"(19) provide assurances that—

"(A) any assistance provided under this Act will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

"(B) activities assisted under this Act will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

"(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;",

(O) by amending paragraph (23) to read as follows:

"(23) address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system;",

(P) by amending paragraph (24) to read as follows:

"(24) provide that if a juvenile is taken into custody for violating a valid court order issued for committing a status offense—

"(A) an appropriate public agency shall be promptly notified that such juvenile is held in custody for violating such order;

"(B) not later than 24 hours during which such juvenile is so held, an authorized representative of such agency shall interview, in person, such juvenile; and

"(C) not later than 48 hours during which such juvenile is so held—

"(i) such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such juvenile; and

"(ii) such court shall conduct a hearing to determine—

"(I) whether there is reasonable cause to believe that such juvenile violated such order; and

"(II) the appropriate placement of such juvenile pending disposition of the violation alleged;",

(Q) in paragraph (25) by striking the period at the end and inserting a semicolon,

(R) by redesignating paragraphs (7) through (25) as paragraphs (6) through (24), respectively, and

(S) by adding at the end the following:

"(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the State under section 222 (other than funds made available to the state advisory group under section 222(d)) that the State will reserve for expenditure by the State to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units, and

"(26) provide that the State, to the maximum extent practicable, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.", and

(2) by amending subsection (c) to read as follows:

"(c) If a State fails to comply with any of the applicable requirements of paragraphs (11), (12), (13), and (22) of subsection (a) in any fiscal year beginning after September 30, 1998, then the amount allocated to such State for the subsequent fiscal year shall be reduced by not to exceed 12.5 percent for each such paragraph with respect to which the failure occurs, unless the Administrator determines that the State—

"(1) has achieved substantial compliance with such applicable requirements with respect to which the State was not in compliance; and

"(2) has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance with such applicable requirements within a reasonable time.", and

(3) in subsection (d)—

(A) by striking "allotment" and inserting "allocation", and

(B) by striking "subsection (a) (12)(A), (13), (14) and (23)" each place it appears and inserting "paragraphs (11), (12), (13), and (22) of subsection (a)".

SEC. 110. JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended—

(1) by striking parts C, D, E, F, G, and H,

(2) by striking the 1st part I,

(3) by redesignating the 2nd part I as part F, and

(4) by inserting after part B the following:

"PART C—JUVENILE DELINQUENCY PREVENTION BLOCK GRANT PROGRAM

"SEC. 241. AUTHORITY TO MAKE GRANTS.

"The Administrator may make grants to eligible States, from funds allocated under section 242, for the purpose of providing financial assistance to eligible entities to carry out projects designed to prevent juvenile delinquency, including—

"(1) projects that assist in holding juveniles accountable for their actions, including the use of neighborhood courts or panels that increase victim satisfaction and require juveniles to make restitution, or perform community service, for the damage caused by their delinquent acts;

"(2) projects that provide treatment to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

"(3) educational projects or supportive services for delinquent or other juveniles—

"(A) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations in educational settings;

"(B) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

"(C) to assist in identifying learning difficulties (including learning disabilities);

"(D) to prevent unwarranted and arbitrary suspensions and expulsions;

"(E) to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

"(F) which assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning-disabled and other handicapped juveniles; or

"(G) which develop locally coordinated policies and programs among education, juvenile justice, and social service agencies;

"(4) projects which expand the use of probation officers—

"(A) particularly for the purpose of permitting nonviolent juvenile offenders (including status offenders) to remain at home with their families as an alternative to incarceration or institutionalization; and

"(B) to ensure that juveniles follow the terms of their probation;

"(5) one-on-one mentoring projects that are designed to link at-risk juveniles and juvenile offenders who did not commit serious crime, particularly juveniles residing in high-crime areas and juveniles experiencing educational failure, with responsible adults (such as law enforcement officers, adults working with local businesses, and adults working for community-based organizations and agencies) who are properly screened and trained;

"(6) community-based projects and services (including literacy and social service programs) which work with juvenile offenders, including those from families with limited English-speaking proficiency, their parents, their siblings, and other family members during and after incarceration of the juvenile offenders, in order to strengthen families, to allow juvenile offenders to be retained in their homes, and to prevent the involvement of other juvenile family members in delinquent activities;

"(7) projects designed to provide for the treatment of juveniles for dependence on or abuse of alcohol, drugs, or other harmful substances;

"(8) projects which leverage funds to provide scholarships for postsecondary education and training for low-income juveniles who reside in neighborhoods with high rates of poverty, violence, and drug-related crimes;

"(9) projects which provide for an initial intake screening of each juvenile taken into custody—

"(A) to determine the likelihood that such juvenile will commit a subsequent offense; and

"(B) to provide appropriate interventions to prevent such juvenile from committing subsequent offenses;

"(10) projects (including school- or community-based projects) that are designed to prevent, and reduce the rate of, the participation of juveniles in gangs that commit crimes (particularly violent crimes), that unlawfully use firearms and other weapons, or that unlawfully traffic in drugs and that involve, to the extent practicable, families and other community members (including law enforcement personnel and members of the business community) in the activities conducted under such projects;

"(11) comprehensive juvenile justice and delinquency prevention projects that meet the needs of juveniles through the collaboration of the many local service systems juveniles encounter, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering services to juveniles;

"(12) to develop, implement, and support, in conjunction with public and private agencies, organizations, and businesses, projects for the employment of juveniles and referral to job training programs (including referral to Federal job training programs);

"(13) delinquency prevention activities which involve youth clubs, sports, recreation and parks, peer counseling and teaching, the arts, leadership development, community service, volunteer service, before- and after-school programs, violence prevention activities, mediation skills training, camping, environmental education, ethnic or cultural enrichment, tutoring, and academic enrichment;

"(14) to establish policies and systems to incorporate relevant child protective services records into juvenile justice records for purposes of establishing treatment plans for juvenile offenders;

"(15) family strengthening activities, such as mutual support groups for parents and their children;

"(16) programs that encourage social competencies, problem-solving skills, and communication skills, youth leadership, and civic involvement;

"(17) programs that focus on the needs of young girls at-risk of delinquency or status offenses; and

"(18) other activities that are likely to prevent juvenile delinquency.

"SEC. 242. ALLOCATION.

"Funds appropriated to carry out this part shall be allocated among eligible States as follows:

"(1) Fifty percent of such amount shall be allocated proportionately based on the population that is less than 18 years of age in the eligible States.

"(2) Fifty percent of such amount shall be allocated proportionately based on the annual average number of arrests for serious crimes committed in the eligible States by juveniles during the then most recently completed period of 3 consecutive calendar years for which sufficient information is available to the Administrator.

"SEC. 243. ELIGIBILITY OF STATES.

"(a) APPLICATION.—To be eligible to receive a grant under section 241, a State shall submit to the Administrator an application that contains the following:

"(1) An assurance that the State will use—

"(A) not more than 5 percent of such grant, in the aggregate, for—

"(i) the costs incurred by the State to carry out this part; and

"(ii) to evaluate, and provide technical assistance relating to, projects and activities carried out with funds provided under this part; and

"(B) the remainder of such grant to make grants under section 244.

"(2) An assurance that, and a detailed description of how, such grant will support, and not supplant State and local efforts to prevent juvenile delinquency.

"(3) An assurance that such application was prepared after consultation with and participation by community-based organizations, and organizations in the local juvenile justice system, that carry out programs, projects, or activities to prevent juvenile delinquency.

"(4) An assurance that each eligible entity described in section 244(a) that receives an initial grant under section 244 to carry out a project or activity shall also receive an assurance from the State that such entity will receive from the State, for the subsequent fiscal year to carry out such project or activity, a grant under such section in an amount that is proportional, based on such initial grant and on the amount of the grant received under section 241 by the State for such subsequent fiscal year, but that does not exceed the amount specified for such subsequent fiscal year in such application as approved by the State.

"(5) Such other information and assurances as the Administrator may reasonably require by rule.

"(b) APPROVAL OF APPLICATIONS.—

"(1) APPROVAL REQUIRED.—Subject to paragraph (2), the Administrator shall approve an application, and amendments to such application submitted in subsequent fiscal years, that satisfy the requirements of subsection (a).

"(2) LIMITATION.—The Administrator may not approve such application (including amendments to such application) for a fiscal year unless—

"(A)(i) the State submitted a plan under section 223 for such fiscal year; and

"(ii) such plan is approved by the Administrator for such fiscal year; or

"(B) the Administrator waives the application of subparagraph (A) to such State for such fiscal year, after finding good cause for such a waiver.

"SEC. 244. GRANTS FOR LOCAL PROJECTS.

"(a) SELECTION FROM AMONG APPLICATIONS.—(1) Using a grant received under section 241, a State may make grants to eligible entities whose applications are received by the State in accordance with subsection (b) to carry out projects and activities described in section 241.

"(2) For purposes of making such grants, the State shall give special consideration to eligible entities that—

"(A) propose to carry out such projects in geographical areas in which there is—

"(i) a disproportionately high level of serious crime committed by juveniles; or

"(ii) a recent rapid increase in the number of nonstatus offenses committed by juveniles;

"(B)(i) agreed to carry out such projects or activities that are multidisciplinary and involve 2 or more eligible entities; or

"(ii) represent communities that have a comprehensive plan designed to identify at-risk juveniles and to prevent or reduce the rate of juvenile delinquency, and that involve other entities operated by individuals who have a demonstrated history of involvement in activities designed to prevent juvenile delinquency; and

"(C) the amount of resources (in cash or in kind) such entities will provide to carry out such projects and activities.

"(b) RECEIPT OF APPLICATIONS.—(1) Subject to paragraph (2), a unit of general local government shall submit to the State simultaneously all applications that are—

"(A) timely received by such unit from eligible entities; and

"(B) determined by such unit to be consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(2) If an application submitted to such unit by an eligible entity satisfies the requirements specified in subparagraphs (A) and (B) of paragraph (1), such entity may submit such application directly to the State.

"SEC. 245. ELIGIBILITY OF ENTITIES.

"(a) ELIGIBILITY.—Subject to subsections (b) and except as provided in subsection (c), to be eligible to receive a grant under section 244, a community-based organization, local juvenile justice system officials (including prosecutors, police officers, judges, probation officers, parole officers, and public defenders), local education authority (as defined in section 14101 of the Elementary and Secondary Education Act of 1965 and including a school within such authority), nonprofit private organization, unit of general local government, or social service provider, and or other entity with a demonstrated history of involvement in the prevention of juvenile delinquency, shall submit to a unit of general local government an application that contains the following:

"(1) An assurance that such applicant will use such grant, and each such grant received for the subsequent fiscal year, to carry out throughout a 2-year period a project or activity described in reasonable detail, and of a kind described in one or more of paragraphs (1) through (14) of section 241 as specified in, such application.

"(2) A statement of the particular goals such project or activity is designed to achieve, and the methods such entity will use to achieve, and assess the achievement of, each of such goals.

"(3) A statement identifying the research (if any) such entity relied on in preparing such application.

"(b) REVIEW AND SUBMISSION OF APPLICATIONS.—Except as provided in subsection (c), an entity shall not be eligible to receive a grant under section 244 unless—

"(1) such entity submits to a unit of general local government an application that—

"(A) satisfies the requirements specified in subsection (a); and

"(B) describes a project or activity to be carried out in the geographical area under the jurisdiction of such unit; and

"(2) such unit determines that such project or activity is consistent with a current plan formulated by such unit for the purpose of preventing, and reducing the rate of, juvenile delinquency in the geographical area under the jurisdiction of such unit.

"(c) LIMITATION.—If an entity that receives a grant under section 244 to carry out a project or activity for a 2-year period, and receives technical assistance from the State or the Administrator after requesting such technical assistance (if any), fails to demonstrate, before the expiration of such 2-year period, that such project or such activity has achieved substantial success in achieving the goals specified in the application submitted by such entity to receive such grants, then such entity shall not be eligible to receive any subsequent grant under such section to continue to carry out such project or activity.".

SEC. 111. RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part C, as added by section 110, the following:

"PART D—RESEARCH; EVALUATION; TECHNICAL ASSISTANCE; TRAINING

"SEC. 251. RESEARCH AND EVALUATION; STATISTICAL ANALYSES; INFORMATION DISSEMINATION

"(a) RESEARCH AND EVALUATION.—(1) The Administrator may—

"(A) plan and identify, after consultation with the Director of the National Institute of Justice, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(B) make agreements with the National Institute of Justice or, subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another

Federal agency authorized by law to conduct research or evaluation in juvenile justice matters, for the purpose of providing research and evaluation relating to—

"(i) the prevention, reduction, and control of juvenile delinquency and serious crime committed by juveniles;

"(ii) the link between juvenile delinquency and the incarceration of members of the families of juveniles;

"(iii) successful efforts to prevent first-time minor offenders from committing subsequent involvement in serious crime;

"(iv) successful efforts to prevent recidivism;

"(v) the juvenile justice system;

"(vi) juvenile violence; and

"(vii) other purposes consistent with the purposes of this title and title I.

"(2) The Administrator shall ensure that an equitable amount of funds available to carry out paragraph (1)(B) is used for research and evaluation relating to the prevention of juvenile delinquency.

"(b) STATISTICAL ANALYSES..—The Administrator may—

"(1) plan and identify, after consultation with the Director of the Bureau of Justice Statistics, the purposes and goals of all agreements carried out with funds provided under this subsection; and

"(2) make agreements with the Bureau of Justice Statistics, or subject to the approval of the Assistant Attorney General for the Office of Justice Programs, with another Federal agency authorized by law to undertake statistical work in juvenile justice matters, for the purpose of providing for the collection, analysis, and dissemination of statistical data and information relating to juvenile delinquency and serious crimes committed by juveniles, to the juvenile justice system, to juvenile violence, and to other purposes consist with the purposes of this title and title I.

"(c) COMPETITIVE SELECTION PROCESS.—The Administrator shall use a competitive process, established by rule by the Administrator, to carry out subsections (a) and (b).

"(d) IMPLEMENTATION OF AGREEMENTS.—A Federal agency that makes an agreement under subsections (a)(1)(B) and (b)(2) with the Administrator may carry out such agreement directly or by making grants to or contracts with public and private agencies, institutions, and organizations.

"(e) INFORMATION DISSEMINATION.—The Administrator may—

"(1) review reports and data relating to the juvenile justice system in the United States and in foreign nations (as appropriate), collect data and information from studies and research into all aspects of juvenile delinquency (including the causes, prevention, and treatment of juvenile delinquency) and serious crimes committed by juveniles;

"(2) establish and operate, directly or by contract, a clearinghouse and information center for the preparation, publication, and dissemination of information relating to juvenile delinquency, including State and local prevention and treatment programs, plans, resources, and training and technical assistance programs; and

"(3) make grants and contracts with public and private agencies, institutions, and organizations, for the purpose of disseminating information to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, the courts, corrections, schools, and related services, in the establishment, implementation, and operation of projects and activities for which financial assistance is provided under this title.

"SEC. 252. TRAINING AND TECHNICAL ASSISTANCE.

"(a) TRAINING.—The Administrator may—

"(1) develop and carry out projects for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations for the purpose of training representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, to carry out the purposes specified in section 102.

"(b) TECHNICAL ASSISTANCE.—The Administrator may—

"(1) develop and implement projects for the purpose of providing technical assistance to representatives and personnel of public and private agencies and organizations, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title; and

"(2) make grants to and contracts with public and private agencies, institutions, and organizations, for the purpose of providing technical assistance to representatives and personnel of public and private agencies, including practitioners in juvenile justice, law enforcement, courts, corrections, schools, and related services, in the establishment, implementation, and operation of programs, projects, and activities for which financial assistance is provided under this title.".

SEC. 112. DEMONSTRATION PROJECTS.

Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by inserting after part D, as added by section 111, the following:

"PART E—DEVELOPING, TESTING, AND DEMONSTRATING PROMISING NEW INITIATIVES AND PROGRAMS

"SEC. 261. GRANTS AND PROJECTS.

"(a) AUTHORITY TO MAKE GRANTS.—The Administrator may make grants to and contracts with States, units of general local government, Indian tribal governments, public and private agencies, organizations, and individuals, or combinations thereof, to carry out projects for the development, testing, and demonstration of promising initiatives and programs for the prevention, control, or reduction of juvenile delinquency. The Administrator shall ensure that, to the extent reasonable and practicable, such grants are made to achieve an equitable geographical distribution of such projects throughout the United States.

"(b) USE OF GRANTS.—A grant made under subsection (a) may be used to pay all or part of the cost of the project for which such grant is made.

"SEC. 262. GRANTS FOR TECHNICAL ASSISTANCE.

"The Administrator may make grants to and contracts with public and private agencies, organizations, and individuals to provide technical assistance to States, units of general local government, Indian tribal governments, local private entities or agencies, or any combination thereof, to carry out the projects for which grants are made under section 261.

"SEC. 263. ELIGIBILITY.

"To be eligible to receive a grant made under this part, a public or private agency, Indian tribal government, organization, institution, individual, or combination thereof shall submit an application to the Administrator at such time, in such form, and containing such information as the Administrator may reasonable require by rule.

"SEC. 264. REPORTS.

"Recipients of grants made under this part shall submit to the Administrator such reports as may be reasonably requested by the Administrator to describe progress achieved in carrying the projects for which such grants are made.".

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

Section 299 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended—

(1) by striking subsection (e), and

(2) by striking subsections (a), (b), and (c), and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS FOR TITLE II (EXCLUDING PARTS C AND E).—(1) There are authorized to be appropriated to carry out this title such sums as may be appropriate for fiscal years 1999, 2000, 2001, and 2002.

"(2) Of such sums as are appropriated for a fiscal year to carry out this title (other than parts C and E)—

"(A) not more than 5 percent shall be available to carry out part A;

"(B) not less than 80 percent shall be available to carry out part B; and

"(C) not more than 15 percent shall be available to carry out part D.

"(b) AUTHORIZATION OF APPROPRIATIONS FOR PART C.—There are authorized to be appropriated to carry out part C such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.

"(c) AUTHORIZATION OF APPROPRIATIONS FOR PART E.—There are authorized to be appropriated to carry out part E, and authorized to remain available until expended, such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.".

SEC. 114. ADMINISTRATIVE AUTHORITY.

Section 299A of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended—

(1) in subsection (d) by striking "as are consistent with the purpose of this Act" and inserting "only to the extent necessary to ensure that there is compliance with the specific requirements of this title or to respond to requests for clarification and guidance relating to such compliance", and

(2) by adding at the end the following:

"(e) If a State requires by law compliance with the requirements described in paragraphs (11), (12), and (13) of section 223(a), then for the period such law is in effect in such State such State shall be rebuttably presumed to satisfy such requirements.".

SEC. 115. USE OF FUNDS.

Section 299C of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5674) is amended—

(1) in subsection (a)—

(A) by striking "may be used for",

(B) in paragraph (1) by inserting "may be used for" after "(1)", and

(C) by amending paragraph (2) to read as follows:

"(2) may not be used for the cost of construction of any facility, except not more than 15 percent of the funds received under this title by a State for a fiscal year may be used for the purpose of renovating or replacing juvenile facilities.",

(2) by striking subsection (b), and

(3) by redesignating subsection (c) as subsection (b).

SEC. 116. LIMITATION ON USE OF FUNDS.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110, is amended adding at the end the following:

"SEC. 299F. LIMITATION ON USE OF FUNDS.

"None of the funds made available to carry out this title may be used to advocate for, or support, the unsecured release of juveniles who are charged with a violent crime.".

SEC. 117. RULES OF CONSTRUCTION.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 116, is amended adding at the end the following:

"SEC. 299G. RULES OF CONSTRUCTION.

"Nothing in this title or title I shall be construed—

"(1) to prevent financial assistance from being awarded through grants under this title to any otherwise eligible organization; or

"(2) to modify or affect any Federal or State law relating to collective bargaining rights of employees.".

SEC. 118. LEASING SURPLUS FEDERAL PROPERTY.

Part F of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 117, is amended adding at the end the following:

"SEC. 299H. LEASING SURPLUS FEDERAL PROPERTY.

"The Administrator may receive surplus Federal property (including facilities) and may lease such property to States and units of general local government for use in or as facilities for juvenile offenders, or for use in or as facilities for delinquency prevention and treatment activities.".

SEC. 119. ISSUANCE OF RULES.

Part F of title II or the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671 et seq.), as so redesignated by section 110 and amended by section 118, is amended adding at the end the following:

"SEC. 299I. ISSUANCE OF RULES.

"The Administrator shall issue rules to carry out this title, including rules that establish procedures and methods for making grants and contracts, and distributing funds available, to carry out this title.".

SEC. 120. TECHNICAL AND CONFORMING AMENDMENTS.

(a) TECHNICAL AMENDMENTS.—The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601 et seq.) is amended—

(1) in section 202(b) by striking "prescribed for GS–18 of the General Schedule by section 5332" and inserting "payable under section 5376",

(2) in section 221(b)(2) by striking the last sentence,

(3) in section 299D by striking subsection (d), and

(4) by striking titles IV and V, as originally enacted by Public Law 93–415 (88 Stat. 1132–1143).

(b) CONFORMING AMENDMENTS.—(1) Section 5315 of title 5 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(2) Section 4351(b) of title 18 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(3) Subsections (a)(1) and (c) of section 3220 of title 39 of the United States Code is amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(4) Section 463(f) of the Social Security Act (42 U.S.C. 663(f)) is amended by striking "Office of Juvenile Justice and Delinquency Prevention" and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(5) Sections 801(a), 804, 805, and 813 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3712(a), 3782, 3785, 3786, 3789i) are amended by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention".

(6) The Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 214(b(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(B) in section 214A(c)(1) by striking "262, 293, and 296 of subpart II of title II" and inserting "299B and 299E",

(C) in sections 217 and 222 by striking "Office of Juvenile Justice and Delinquency Prevention" each place it appears and inserting "Office of Juvenile Crime Control and Delinquency Prevention", and

(D) in section 223(c) by striking "section 262, 293, and 296" and inserting "sections 262, 299B, and 299E".

(7) The Missing Children's Assistance Act (42 U.S.C. 5771 et seq.) is amended—

(A) in section 403(2) by striking "Justice and Delinquency Prevention" and inserting "Crime Control and Delinquency Prevention", and

(B) in subsections (a)(5)(E) and (b)(1)(B) of section 404 by striking "section 313" and inserting "section 331".

(8) The Crime Control Act of 1990 (42 U.S.C. 13001 et seq.) is amended—

(A) in section 217(c)(1) by striking "sections 262, 293, and 296 of subpart II of title II" and inserting "sections 299B and 299E", and

(B) in section 223(c) by striking "section 262, 293, and 296 of title II" and inserting "sections 299B and 299E".

SEC. 121. REFERENCES.

In any Federal law (excluding this Act and the Acts amended by this Act), Executive order, rule, regulation, order, delegation of authority, grant, contract, suit, or document—

(1) a reference to the Office of Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to the Office of Juvenile Crime Control and Delinquency Prevention, and

(2) a reference to the National Institute for Juvenile Justice and Delinquency Prevention shall be deemed to include a reference to Office of Juvenile Crime Control and Delinquency Prevention.

TITLE II—AMENDMENTS TO THE RUNAWAY AND HOMELESS YOUTH ACT

SEC. 201. FINDINGS.

Section 302 of the Runaway and Homeless Youth Act (42 U.S.C. 5701) is amended—

(1) in paragraph (5) by striking "accurate reporting of the problem nationally" and inserting "an accurate national reporting system to report the problem,", and

(2) by amending paragraph (8) to read as follows:

"(8) services for runaway and homeless youth are needed in urban, suburban and rural areas;".

SEC. 202. AUTHORITY TO MAKE GRANTS FOR CENTERS AND SERVICES.

Section 311 of the Runaway and Homeless Youth Act (42 U.S.C. 5711) is amended—

(1) by amending subsection (a) to read as follows:

"(a)(1) The Secretary shall make grants to public and nonprofit private entities (and combinations of such entities) to establish and operate (including renovation) local centers to provide services for runaway and homeless youth and for the families of such youth.

"(2) Such services—

"(A) shall be provided as an alternative to involving runaway and homeless youth in the law enforcement, child welfare, mental health, and juvenile justice systems;

"(B) shall include—

"(i) safe and appropriate shelter; and

"(ii) individual, family, and group counseling, as appropriate; and

"(C) may include—

"(i) street-based services;

"(ii) home-based services for families with youth at risk of separation from the family; and

"(iii) drug abuse education and prevention services.",

(2) in subsection (b)—

(A) in paragraph (2) by striking "the Trust Territory of the Pacific Islands,", and

(B) by striking paragraph (4), and

(3) by striking subsections (c) and (d).

SEC. 203. ELIGIBILITY.

Section 312 of the Runaway and Homeless Youth Act (42 U.S.C. 5712) is amended—

(1) in subsection (b)—

(A) in paragraph (8) by striking "paragraph (6)" and inserting "paragraph (7)",

(B) in paragraph (10) by striking "and" at the end,

(C) in paragraph (11) by striking the period at the end and inserting "; and", and

(D) by adding at the end the following:

"(12) shall submit to the Secretary an annual report that includes—

"(A) information regarding the activities carried out under this part;

"(B) the achievements of the project under this part carried out by the applicant; and

"(C) statistical summaries describing—

"(i) the number and the characteristics of the runaway and homeless youth, and youth at risk of family separation, who participate in the project; and

"(ii) the services provided to such youth by the project;

in the year for which the report is submitted.", and

(2) by striking subsections (c) and (d) and inserting the following:

"(c) To be eligible to use assistance under section 311(a)(2)(C)(i) to provide street-based services, the applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide qualified supervision of staff, including on-street supervision by appropriately trained staff;

"(2) provide backup personnel for on-street staff;

"(3) provide initial and periodic training of staff who provide such services; and

"(4) conduct outreach activities for runaway and homeless youth, and street youth.

"(d) To be eligible to use assistance under section 311(a) to provide home-based services described in section 311(a)(2)(C)(ii), an applicant shall include in the plan required by subsection (b) assurances that in providing such services the applicant will—

"(1) provide counseling and information to youth and the families (including unrelated individuals in the family households) of such youth, including services relating to basic life skills, interpersonal skill building, educational advancement, job attainment skills,

mental and physical health care, parenting skills, financial planning, and referral to sources of other needed services;

"(2) provide directly, or through an arrangement made by the applicant, 24-hour service to respond to family crises (including immediate access to temporary shelter for runaway and homeless youth, and youth at risk of separation from the family);

"(3) establish, in partnership with the families of runaway and homeless youth, and youth at risk of separation from the family, objectives and measures of success to be achieved as a result of receiving home-based services;

"(4) provide initial and periodic training of staff who provide home-based services; and

"(5) ensure that—

"(A) caseloads will remain sufficiently low to allow for intensive (5 to 20 hours per week) involvement with each family receiving such services; and

"(B) staff providing such services will receive qualified supervision.

"(e) To be eligible to use assistance under section 311(a)(2)(C)(iii) to provide drug abuse education and prevention services, an applicant shall include in the plan required by subsection (b)—

"(1) a description of—

"(A) the types of such services that the applicant proposes to provide;

"(B) the objectives of such services; and

"(C) the types of information and training to be provided to individuals providing such services to runaway and homeless youth; and

"(2) an assurance that in providing such services the applicant shall conduct outreach activities for runaway and homeless youth.".

SEC. 204. APPROVAL OF APPLICATIONS.

Section 313 of the Runaway and Homeless Youth Act (42 U.S.C. 5713) is amended to read as follows:

"APPROVAL OF APPLICATIONS

"SEC. 313. (a) An application by a public or private entity for a grant under section 311(a) may be approved by the Secretary after taking into consideration, with respect to the State in which such entity proposes to provide services under this part—

"(1) the geographical distribution in such State of the proposed services under this part for which all grant applicants request approval; and

"(2) which areas of such State have the greatest need for such services.

"(b) The Secretary shall, in considering applications for grants under section 311(a), give priority to—

"(1) eligible applicants who have demonstrated experience in providing services to runaway and homeless youth; and

"(2) eligible applicants that request grants of less than $200,000.".

SEC. 205. AUTHORITY FOR TRANSITIONAL LIVING GRANT PROGRAM.

Section 321 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–1) is amended—

(1) in the heading by striking "PURPOSE AND",

(2) in subsection (a) by striking "(a)", and

(3) by striking subsection (b).

SEC. 206. ELIGIBILITY.

Section 322(a)(9) of the Runaway and Homeless Youth Act (42 U.S.C. 5714–2(a)(9)) is amended by inserting ", and the services provided to such youth by such project," after "such project".

SEC. 207. AUTHORITY TO MAKE GRANTS FOR RESEARCH, EVALUATION, DEMONSTRATION, AND SERVICE PROJECTS.

Section 343 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–23) is amended—

(1) in the heading of such section by inserting "EVALUATION," after "RESEARCH,",

(2) in subsection (a) by inserting "evaluation," after "research,", and

(3) in subsection (b)—

(A) by striking paragraph (2), and

(B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9), respectively.

SEC. 208. TEMPORARY DEMONSTRATION PROJECTS TO PROVIDE SERVICES TO YOUTH IN RURAL AREAS.

Section 344 of the Runaway and Homeless Youth Act (42 U.S.C. 5714–24) is repealed.

SEC. 209. SEXUAL ABUSE PREVENTION PROGRAM.

Section 40155 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322; 108 Stat. 1922) is amended to read as follows:

"SEC. 40155. EDUCATION AND PREVENTION GRANTS TO REDUCE SEXUAL ABUSE OF RUNAWAY, HOMELESS, AND STREET YOUTH.

"(a) AUTHORITY FOR PROGRAM.—The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended—

"(1) by striking the heading for part F,

"(2) by redesignating part E as part F, and

"(3) by inserting after part D the following:

"'PART E—SEXUAL ABUSE PREVENTION PROGRAM

"'SEC. 351. AUTHORITY TO MAKE GRANTS.

"'(a) The Secretary may make grants to nonprofit private agencies for the purpose of providing street-based services to runaway and homeless, and street youth, who have been subjected to, or are at risk of being subjected to, sexual abuse.

"'(b) In selecting applicants to receive grants under subsection (a), the Secretary shall give priority to non-profit private agencies that have experience in providing services to runaway and homeless, and street youth.'.

"(b) AUTHORIZATION OF APPROPRIATIONS.—Section 389(a) of the Runaway and Homeless Youth Act (42 U.S.C. 5751), as amended by section 213 of the Juvenile Crime Control and Delinquency Prevention Act of 1998, is amended by adding at the end the following:

"'(4) There are authorized to be appropriated to carry out part E such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.'".

SEC. 210. ASSISTANCE TO POTENTIAL GRANTEES.

Section 371 of the Runaway and Homeless Youth Act (42 U.S.C. 5714a) is amended by striking the last sentence.

SEC. 211. REPORTS.

Section 381 of the Runaway and Homeless Youth Act (42 U.S.C. 5715) is amended to read as follows:

"REPORTS

"SEC. 381. (a) Not later than April 1, 1999, and at 2-year intervals thereafter, the Secretary shall submit, to the Committee on Education and the Workforce of the House of Representatives and the Committee on the Judiciary of the Senate, a report on the status, activities, and accomplishments of entities that receive grants under parts A, B, C, D, and E, with particular attention to—

"(1) in the case of centers funded under part A, the ability or effectiveness of such centers in—

"(A) alleviating the problems of runaway and homeless youth;

"(B) if applicable or appropriate, reuniting such youth with their families and encouraging the resolution of intrafamily problems through counseling and other services;

"(C) strengthening family relationships and encouraging stable living conditions for such youth; and

"(D) assisting such youth to decide upon a future course of action; and

"(2) in the case of projects funded under part B—

"(A) the number and characteristics of homeless youth served by such projects;

"(B) the types of activities carried out by such projects;

"(C) the effectiveness of such projects in alleviating the problems of homeless youth;

"(D) the effectiveness of such projects in preparing homeless youth for self-sufficiency;

"(E) the effectiveness of such projects in assisting homeless youth to decide upon future education, employment, and independent living;

"(F) the ability of such projects to encourage the resolution of intrafamily problems through counseling and development of self-sufficient living skills; and

"(G) activities and programs planned by such projects for the following fiscal year.

"(b) The Secretary shall include in the report required by subsection (a) summaries of—

"(1) the evaluations performed by the Secretary under section 386; and

"(2) descriptions of the qualifications of, and training provided to, individuals involved in carrying out such evaluations.".

SEC. 212. EVALUATION.

Section 384 of the Runaway and Homeless Youth Act (42 U.S.C. 5732) is amended to read as follows:

"EVALUATION AND INFORMATION

"SEC. 384. (a) If a grantee receives grants for 3 consecutive fiscal years under part A, B, C, D, or E (in the alternative), then the Secretary shall evaluate such grantee on-site, not less frequently than once in the period of such 3 consecutive fiscal years, for purposes of—

"(1) determining whether such grants are being used for the purposes for which such grants are made by the Secretary;

"(2) collecting additional information for the report required by section 383; and

"(3) providing such information and assistance to such grantee as will enable such grantee to improve the operation of the centers, projects, and activities for which such grants are made.

"(b) Recipients of grants under this title shall cooperate with the Secretary's efforts to carry out evaluations, and to collect information, under this title.".

SEC. 213. AUTHORIZATION OF APPROPRIATIONS.

Section 385 of the Runaway and Homeless Youth Act (42 U.S.C. 5751) is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 389. (a)(1) There are authorized to be appropriated to carry out this title (other than part E) such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.

"(2)(A) From the amount appropriated under paragraph (1) for a fiscal year, the Secretary shall reserve not less than 90 percent to carry out parts A and B.

"(B) Of the amount reserved under subparagraph (A), not less than 20 percent, and not more than 30 percent, shall be reserved to carry out part B.

"(3) After reserving the amounts required by paragraph (2), the Secretary shall reserve the remaining amount (if any) to carry out parts C and D.

"(b) No funds appropriated to carry out this title may be combined with funds appropriated under any other Act if the purpose of combining such funds is to make a single discretionary grant, or a single discretionary

payment, unless such funds are separately identified in all grants and contracts and are used for the purposes specified in this title.".

SEC. 214. CONSOLIDATED REVIEW OF APPLICATIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 384 the following:

"CONSOLIDATED REVIEW OF APPLICATIONS

"SEC. 385. With respect to funds available to carry out parts A, B, C, D, and E, nothing in this title shall be construed to prohibit the Secretary from—

"(1) announcing, in a single announcement, the availability of funds for grants under 2 or more of such parts; and

"(2) reviewing applications for grants under 2 or more of such parts in a single, consolidated application review process.".

SEC. 215. DEFINITIONS.

The Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended by inserting after section 385, as added by section 214, the following:

"DEFINITIONS

"SEC. 386. For the purposes of this title:

"(1) The term 'drug abuse education and prevention services'—

"(A) means services to runaway and homeless youth to prevent or reduce the illicit use of drugs by such youth; and

"(B) may include—

"(i) individual, family, group, and peer counseling;

"(ii) drop-in services;

"(iii) assistance to runaway and homeless youth in rural areas (including the development of community support groups);

"(iv) information and training relating to the illicit use of drugs by runaway and homeless youth, to individuals involved in providing services to such youth; and

"(v) activities to improve the availability of local drug abuse prevention services to runaway and homeless youth.

"(2) The term 'home-based services'—

"(A) means services provided to youth and their families for the purpose of—

"(i) preventing such youth from running away, or otherwise becoming separated, from their families; and

"(ii) assisting runaway youth to return to their families; and

"(B) includes services that are provided in the residences of families (to the extent practicable), including—

"(i) intensive individual and family counseling; and

"(ii) training relating to life skills and parenting.

"(3) The term 'homeless youth' means an individual—

"(A) who is—

"(i) not more than 21 years of age; and

"(ii) for the purposes of part B, not less than 16 years of age;

"(B) for whom it is not possible to live in a safe environment with a relative; and

"(C) who has no other safe alternative living arrangement.

"(4) The term 'street-based services'—

"(A) means services provided to runaway and homeless youth, and street youth, in areas where they congregate, designed to assist such youth in making healthy personal choices regarding where they live and how they behave; and

"(B) may include—

"(i) identification of and outreach to runaway and homeless youth, and street youth;

"(ii) crisis intervention and counseling;

"(iii) information and referral for housing;

"(iv) information and referral for transitional living and health care services;

"(v) advocacy, education, and prevention services related to—

"(I) alcohol and drug abuse;

"(II) sexually transmitted diseases, including human immunodeficiency virus (HIV); and

"(III) physical and sexual assault.

"(5) The term 'street youth' means an individual who—

"(A) is—

"(i) a runaway youth; or

"(ii) indefinitely or intermittently a homeless youth; and

"(B) spends a significant amount of time on the street or in other areas which increase the exposure of such youth to sexual abuse.

"(6) The term 'transitional living youth project' means a project that provides shelter and services designed to promote a transition to self-sufficient living and to prevent long-term dependency on social services.

"(7) The term 'youth at risk of separation from the family' means an individual—

"(A) who is less than 18 years of age; and

"(B)(i) who has a history of running away from the family of such individual;

"(ii) whose parent, guardian, or custodian is not willing to provide for the basic needs of such individual; or

"(iii) who is at risk of entering the child welfare system or juvenile justice system as a result of the lack of services available to the family to meet such needs.".

SEC. 216. REDESIGNATION OF SECTIONS.

Sections 371, 372, 381, 382, 383, 384, 385, and 386 of the Runaway and Homeless Youth Act (42 U.S.C. 5714b–5851 et seq.), as amended by this title, are redesignated as sections 381, 382, 383, 384, 385, 386, 387, and 388, respectively.

SEC. 217. TECHNICAL AMENDMENT.

Section 331 of the Runaway and Homeless Youth Act (42 U.S.C. 5701 et seq.) is amended in the 1st sentence by striking "With" and all that follows through "the Secretary", and inserting "The Secretary".

TITLE III—REPEAL OF TITLE V RELATING TO INCENTIVE GRANTS FOR LOCAL DELINQUENCY PREVENTION PROGRAMS

SEC. 301. REPEALER.

Title V of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5681 et seq.), as added by Public Law 102–586, is repealed.

TITLE IV—MISCELLANEOUS AMENDMENTS

SEC. 401. NATIONAL RESOURCE CENTER AND CLEARINGHOUSE FOR MISSING CHILDREN.

(a) ALTERNATIVE AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to The National Center for Missing and Exploited Children, a nonprofit corporation organized under the laws of the District of Columbia, $5,000,000 for each of the fiscal years 1999, 2000, 2001, and 2002 to operate a national resource center and clearinghouse designed—

(1) to provide to State and local governments, public and private nonprofit agencies, and individuals information regarding—

(A) free or low-cost legal, restaurant, lodging, and transportation services that are available for the benefit of missing children and their families, and

(B) the existence and nature of programs being carried out by Federal agencies to assist missing children and their families,

(2) to coordinate public and private programs which locate, recover, or reunite missing children with their legal custodians,

(3) to disseminate nationally information about innovative and model missing children's programs, services, and legislation, and

(4) to provide technical assistance and training to law enforcement agencies, State and local governments, elements of the criminal justice system, public and private nonprofit agencies, and individuals in the prevention, investigation, prosecution, and treatment of missing and exploited child cases and in locating and recovering missing children.

(b) CONFORMING AMENDMENTS.—Section 404(b) of the Missing Children's Assistance Act (42 U.S.C. 5773(b)) is amended—

(1) by striking ", shall",

(2) in paragraph (1)—

(A) in subparagraph (A) by inserting "shall" after "(A)", and

(B) in subparagraph (B) by striking "coordinating" and inserting "shall coordinate",

(3) in paragraph (2) by inserting "for any fiscal year for which no funds are appropriated under section 2 of the Missing and Exploited Children Act of 1997, shall" after "(2)",

(4) in paragraph (3) by inserting "shall" after "(3)", and

(5) in paragraph (4) by inserting "shall" after "(4)".

TITLE V—REFORMING THE FEDERAL JUVENILE JUSTICE SYSTEM

SEC. 501. DELINQUENCY PROCEEDINGS OR CRIMINAL PROSECUTIONS IN DISTRICT COURTS.

Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings or criminal prosecutions in district courts

"(a)(1) A juvenile alleged to have committed an offense against the United States or an act of juvenile delinquency may be surrendered to State authorities, but if not so surrendered, shall be proceeded against as a juvenile under this subsection or tried as an adult in the circumstances described in subsections (b) and (c).

"(2) A juvenile may be proceeded against as a juvenile in a court of the United States under this subsection if—

"(A) the alleged offense or act of juvenile delinquency is committed within the special maritime and territorial jurisdiction of the United States and is one for which the maximum authorized term of imprisonment does not exceed 6 months; or

"(B) the Attorney General, after investigation, certifies to the appropriate United States district court that—

"(i) the juvenile court or other appropriate court of a State does not have jurisdiction or declines to assume jurisdiction over the juvenile with respect to the alleged act of juvenile delinquency, and

"(ii) there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

"(3) If the Attorney General does not so certify or does not have authority to try such juvenile as an adult, such juvenile shall be surrendered to the appropriate legal authorities of such State.

"(4) If a juvenile alleged to have committed an act of juvenile delinquency is proceeded against as a juvenile under this section, any proceedings against the juvenile shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, and shall be open to the public, except that the court may exclude all or some members of the public, other than a victim unless the victim is a witness in the determination of guilt or innocence, if required by the interests of justice or if other

good cause is shown. The Attorney General shall proceed by information or as authorized by section 3401(g) of this title, and no criminal prosecution shall be instituted except as provided in this chapter.

"(b)(1) Except as provided in paragraph (2), a juvenile shall be prosecuted as an adult—

"(A) if the juvenile has requested in writing upon advice of counsel to be prosecuted as an adult; or

"(B) if the juvenile is alleged to have committed an act after the juvenile attains the age of 14 years which if committed by an adult would be a serious violent felony or a serious drug offense described in section 3559(c) of this title, or a conspiracy or attempt to commit that felony or offense, which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

"(2) The requirements of paragraph (1) do not apply if the Attorney General certifies to the appropriate United States district court that the interests of justice are best served by proceeding against the juvenile as a juvenile.

"(c)(1) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act after the juvenile has attained the age of 13 years which if committed by a juvenile after the juvenile attained the age of 14 years would require that the juvenile be prosecuted as an adult under subsection (b), upon approval of the Attorney General.

"(2) The Attorney General shall not delegate the authority to give the approval required under paragraph (1) to an officer or employee of the Department of Justice at a level lower than a Deputy Assistant Attorney General.

"(3) Such approval shall not be granted, with respect to such a juvenile who is subject to the criminal jurisdiction of an Indian tribal government and who is alleged to have committed an act over which, if committed by an adult, there would be Federal jurisdiction based solely on its commission in Indian country (as defined in section 1151), unless the governing body of the tribe having jurisdiction over the place in which the alleged act was committed has before such act notified the Attorney General in writing of its election that prosecution may take place under this subsection.

"(4) A juvenile may also be prosecuted as an adult if the juvenile is alleged to have committed an act which is not described in subsection (b)(1)(B) after the juvenile has attained the age of 14 years and which if committed by an adult would be—

"(A) a crime of violence (as defined in section 3156(a)(4)) that is a felony;

"(B) an offense described in section 844 (d), (k), or (l), or subsection (a)(6), (b), (g), (h), (j), (k), or (l) of section 924;

"(C) a violation of section 922(o) that is an offense under section 924(a)(2);

"(D) a violation of section 5861 of the Internal Revenue Code of 1986 that is an offense under section 5871 of such Code (26 U.S.C. 5871);

"(E) a conspiracy to commit an offense described in any of subparagraphs (A) through (D); or

"(F) an offense described in section 401 or 408 of the Controlled Substances Act (21 U.S.C. 841, 848) or a conspiracy or attempt to commit that offense which is punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846), or an offense punishable under section 409 or 419 of the Controlled Substances Act (21 U.S.C. 849, 860), or an offense described in section 1002, 1003, 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952, 953, 955, or 959), or a conspiracy or attempt to commit that offense which is punishable under section 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963).

"(d) A determination to approve or not to approve, or to institute or not to institute, a prosecution under subsection (b) or (c), and a determination to file or not to file, and the contents of, a certification under subsection (a) or (b) shall not be reviewable in any court.

"(e) In a prosecution under subsection (b) or (c), the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted of a lesser included offense.

"(f) The Attorney General shall annually report to Congress—

"(1) the number of juveniles adjudicated delinquent or tried as adults in Federal court;

"(2) the race, ethnicity, and gender of those juveniles;

"(3) the number of those juveniles who were abused or neglected by their families, to the extent such information is available; and

"(4) the number and types of assault crimes, such as rapes and beatings, committed against juveniles while incarcerated in connection with the adjudication or conviction.

"(g) As used in this section—

"(1) the term 'State' includes a State of the United States, the District of Columbia, any commonwealth, territory, or possession of the United States and, with regard to an act of juvenile delinquency that would have been a misdemeanor if committed by an adult, a federally recognized tribe; and

"(2) the term 'serious violent felony' has the same meaning given that term in section 3559(c)(2)(F)(i).".

SEC. 502. CUSTODY PRIOR TO APPEARANCE BEFORE JUDICIAL OFFICER.

Section 5033 of title 18, United States Code, is amended to read as follows:

"§ 5033. Custody prior to appearance before judicial officer

"(a) Whenever a juvenile is taken into custody, the arresting officer shall immediately advise such juvenile of the juvenile's rights, in language comprehensible to a juvenile. The arresting officer shall promptly take reasonable steps to notify the juvenile's parents, guardian, or custodian of such custody, of the rights of the juvenile, and of the nature of the alleged offense.

"(b) The juvenile shall be taken before a judicial officer without unreasonable delay.".

SEC. 503. TECHNICAL AND CONFORMING AMENDMENTS TO SECTION 5034.

Section 5034 of title 18, United States Code, is amended—

(1) by striking "The" each place it appears at the beginning of a paragraph and inserting "the";

(2) by striking "If" at the beginning of the 3rd paragraph and inserting "if";

(3)(A) by designating the 3 paragraphs as paragraphs (1), (2), and (3), respectively; and

(B) by moving such designated paragraphs 2 ems to the right; and

(4) by inserting at the beginning of such section before those paragraphs the following:

"In a proceeding under section 5032(a)—".

SEC. 504. DETENTION PRIOR TO DISPOSITION OR SENTENCING.

Section 5035 of title 18, United States Code, is amended to read as follows:

"§ 5035. Detention prior to disposition or sentencing

"(a)(1) A juvenile who has attained the age of 16 years and who is prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in such suitable place as the Attorney General may designate. Preference shall be given to a place located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted.

"(2) A juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032, if detained at any time prior to sentencing, shall be detained in a suitable juvenile facility located within, or within a reasonable distance of, the district in which the juvenile is being prosecuted. If such a facility is not available, such a juvenile may be detained in any other suitable facility located within, or within a reasonable distance of, such district. If no such facility is available, such a juvenile may be detained in any other suitable place as the Attorney General may designate.

"(3) To the maximum extent feasible, a juvenile less than 16 years of age prosecuted pursuant to subsection (b) or (c) of section 5032 shall not be detained prior to sentencing in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

"(b) A juvenile proceeded against under section 5032 shall not be detained prior to disposition in any facility in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges.

"(c) Every juvenile who is detained prior to disposition or sentencing shall be provided with reasonable safety and security and with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.".

SEC. 505. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended by—

(1) striking "If an alleged delinquent" and inserting "If a juvenile proceeded against under section 5032(a)";

(2) striking "thirty" and inserting "45"; and

(3) striking "the court," and all that follows through the end of the section and inserting "the court. The periods of exclusion under section 3161(h) of this title shall apply to this section.".

SEC. 506. DISPOSITION; AVAILABILITY OF INCREASED DETENTION, FINES AND SUPERVISED RELEASE FOR JUVENILE OFFENDERS.

(a) DISPOSITION.—Section 5037 of title 18, United States Code, is amended to read as follows:

"§ 5037. Disposition

"(a) In a proceeding under section 5032(a), if the court finds a juvenile to be a juvenile delinquent, the court shall hold a hearing concerning the appropriate disposition of the juvenile no later than 40 court days after the finding of juvenile delinquency, unless the court has ordered further study pursuant to subsection (e). A predisposition report shall be prepared by the probation officer who shall promptly provide a copy to the juvenile, the juvenile's counsel, and the attorney

for the Government. Victim impact information shall be included in the report, and victims, or in appropriate cases their official representatives, shall be provided the opportunity to make a statement to the court in person or present any information in relation to the disposition. After the dispositional hearing, and after considering the sanctions recommended pursuant to subsection (f), the court shall impose an appropriate sanction, including the ordering of restitution pursuant to section 3556 of this title. The court may order the juvenile's parent, guardian, or custodian to be present at the dispositional hearing and the imposition of sanctions and may issue orders directed to such parent, guardian, custodian regarding conduct with respect to the juvenile. With respect to release or detention pending an appeal or a petition for a writ of certiorari after disposition, the court shall proceed pursuant to chapter 207.

"(b) The term for which probation may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the maximum term that would be authorized by section 3561(c) if the juvenile had been tried and convicted as an adult. Sections 3563, 3564, and 3565 are applicable to an order placing a juvenile on probation.

"(c) The term for which official detention may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond the lesser of—

"(1) the maximum term of imprisonment that would be authorized if the juvenile had been tried and convicted as an adult;

"(2) ten years; or

"(3) the date when the juvenile becomes twenty-six years old.

Section 3624 is applicable to an order placing a juvenile in detention.

"(d) The term for which supervised release may be ordered for a juvenile found to be a juvenile delinquent may not extend beyond 5 years. Subsections (c) through (i) of section 3583 apply to an order placing a juvenile on supervised release.

"(e) If the court desires more detailed information concerning a juvenile alleged to have committed an act of juvenile delinquency or a juvenile adjudicated delinquent, it may commit the juvenile, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency or entity. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and the juvenile's attorney. The agency or entity shall make a study of all matters relevant to the alleged or adjudicated delinquent behavior and the court's inquiry. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within 30 days after the commitment of the juvenile, unless the court grants additional time. Time spent in custody under this subsection shall be excluded for purposes of section 5036.

"(f)(1) The United States Sentencing Commission, in consultation with the Attorney General, shall develop a list of possible sanctions for juveniles adjudicated delinquent.

"(2) Such list shall—

"(A) be comprehensive in nature and encompass punishments of varying levels of severity;

"(B) include terms of confinement; and

"(C) provide punishments that escalate in severity with each additional or subsequent more serious delinquent conduct.".

(b) EFFECTIVE DATE.—The Sentencing Commission shall develop the list required pursuant to section 5037(f), as amended by subsection (a), not later than 180 days after the date of the enactment of this Act.

(c) CONFORMING AMENDMENT TO ADULT SENTENCING SECTION.—Section 3553 of title 18, United States Code, is amended by adding at the end the following:

"(g) LIMITATION ON APPLICABILITY OF STATUTORY MINIMUMS IN CERTAIN PROSECUTIONS OF PERSONS UNDER THE AGE OF 16.—Notwithstanding any other provision of law, in the case of a defendant convicted for conduct that occurred before the juvenile attained the age of 16 years, the court shall impose a sentence without regard to any statutory minimum sentence, if the court finds at sentencing, after affording the Government an opportunity to make a recommendation, that the juvenile has not been previously adjudicated delinquent for or convicted of an offense described in section 5032(b)(1)(B).".

SEC. 507. JUVENILE RECORDS AND FINGERPRINTING.

Section 5038 of title 18, United States Code, is amended to read as follows:

"§ 5038. Juvenile records and fingerprinting

"(a)(1) Throughout and upon the completion of the juvenile delinquency proceeding under section 5032(a), the court shall keep a record relating to the arrest and adjudication that is—

"(A) equivalent to the record that would be kept of an adult arrest and conviction for such an offense; and

"(B) retained for a period of time that is equal to the period of time records are kept for adult convictions.

"(2) Such records shall be made available for official purposes, including communications with any victim or, in the case of a deceased victim, such victim's representative, or school officials, and to the public to the same extent as court records regarding the criminal prosecutions of adults are available.

"(b) The Attorney General shall establish guidelines for fingerprinting and photographing a juvenile who is the subject of any proceeding authorized under this chapter. Such guidelines shall address the availability of pictures of any juvenile taken into custody but not prosecuted as an adult. Fingerprints and photographs of a juvenile who is prosecuted as an adult shall be made available in the manner applicable to adult offenders.

"(c) Whenever a juvenile has been adjudicated delinquent for an act that, if committed by an adult, would be a felony or for a violation of section 924(a)(6), the court shall transmit to the Federal Bureau of Investigation the information concerning the adjudication, including name, date of adjudication, court, offenses, and sentence, along with the notation that the matter was a juvenile adjudication.

"(d) In addition to any other authorization under this section for the reporting, retention, disclosure, or availability of records or information, if the law of the State in which a Federal juvenile delinquency proceeding takes place permits or requires the reporting, retention, disclosure, or availability of records or information relating to a juvenile or to a juvenile delinquency proceeding or adjudication in certain circumstances, then such reporting, retention, disclosure, or availability is permitted under this section whenever the same circumstances exist.".

SEC. 508. TECHNICAL AMENDMENTS OF SECTIONS 5031 AND 5034.

(a) ELIMINATION OF PRONOUNS.—Sections 5031 and 5034 of title 18, United States Code, are each amended by striking "his" each place it appears and inserting "the juvenile's".

(b) UPDATING OF REFERENCE.—Section 5034 of title 18, United States Code, is amended—

(1) in the heading of such section, by striking "MAGISTRATE" and inserting "JUDICIAL OFFICER"; and

(2) by striking "magistrate" each place it appears and inserting "judicial officer".

SEC. 509. CLERICAL AMENDMENTS TO TABLE OF SECTIONS FOR CHAPTER 403.

The heading and the table of sections at the beginning of chapter 403 of title 18, United States Code, is amended to read as follows:

"CHAPTER 403—JUVENILE DELINQUENCY

"Sec.
"5031. Definitions.
"5032. Delinquency proceedings or criminal prosecutions in district courts.
"5033. Custody prior to appearance before judicial officer.
"5034. Duties of judicial officer.
"5035. Detention prior to disposition or sentencing.
"5036. Speedy trial.
"5037. Disposition.
"5038. Juvenile records and fingerprinting.
"5039. Commitment.
"5040. Support.
"5041. Repealed.
"5042. Revocation of probation.".

TITLE VI—APPREHENDING ARMED VIOLENT YOUTH

SEC. 601. ARMED VIOLENT YOUTH APPREHENSION DIRECTIVE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Attorney General of the United States shall establish an armed violent youth apprehension program consistent with the following requirements:

(1) Each United States attorney shall designate at least 1 assistant United States attorney to prosecute, on either a full- or part-time basis, armed violent youth.

(2) Each United States attorney shall establish an armed youth criminal apprehension task force comprised of appropriate law enforcement representatives. The task force shall develop strategies for removing armed violent youth from the streets, taking into consideration—

(A) the importance of severe punishment in deterring armed violent youth crime;

(B) the effectiveness of Federal and State laws pertaining to apprehension and prosecution of armed violent youth;

(C) the resources available to each law enforcement agency participating in the task force;

(D) the nature and extent of the violent youth crime occurring in the district for which the United States attorney is appointed; and

(E) the principle of limited Federal involvement in the prosecution of crimes traditionally prosecuted in State and local jurisdictions.

(3) Not less frequently than bimonthly, the Attorney General shall require each United States attorney to report to the Department of Justice the number of youths charged with, or convicted of, violating section 922(g) or 924 of title 18, United States Code, in the district for which the United States attorney is appointed and the number of youths referred to a State for prosecution for similar offenses.

(4) Not less frequently than twice annually, the Attorney General shall submit to the Congress a compilation of the information received by the Department of Justice pursuant to paragraph (3) and a report on all waivers granted under subsection (b).

(b) WAIVER AUTHORITY.—

(1) REQUEST FOR WAIVER.—A United States attorney may request the Attorney General to waive the requirements of subsection (a) with respect to the United States attorney.

(2) PROVISION OF WAIVER.—The Attorney General may waive the requirements of subsection (a) pursuant to a request made under paragraph (1), in accordance with guidelines which shall be established by the Attorney General. In establishing the guidelines, the Attorney General shall take into consideration the number of assistant United States attorneys in the office of the United States attorney making the request and the level of violent youth crime committed in the district for which the United States attorney is appointed.

(c) ARMED VIOLENT YOUTH DEFINED.—As used in this section, the term "armed violent youth" means a person who has not attained 18 years of age and is accused of violating—

(1) section 922(g)(1) of title 18, United States Code, having been previously convicted of—

(A) a violent crime; or

(B) conduct that would have been a violent crime had the person been an adult; or

(2) section 924 of such title.

(d) SUNSET.—This section shall have no force or effect after the 5-year period that begins 180 days after the date of the enactment of this Act.

TITLE VII—ACCOUNTABILITY FOR JUVENILE OFFENDERS AND PUBLIC PROTECTION INCENTIVE GRANTS

SEC. 701. SHORT TITLE.

This title may be cited as the "Juvenile Accountability Block Grants Act of 1998".

SEC. 702. BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Part R of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.) is amended to read as follows:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"SEC. 1801. PROGRAM AUTHORIZED.

"(a) IN GENERAL.—The Attorney General is authorized to provide grants to States, for use by States and units of local government, and in certain cases directly to eligible units.

"(b) AUTHORIZED ACTIVITIES.—Amounts paid to a State, a unit of local government, or an eligible unit under this part shall be used by the State, unit of local government, or eligible unit for the purpose of promoting greater accountability in the juvenile justice system, which includes—

"(1) building, expanding, renovating, or operating temporary or permanent juvenile correction or detention facilities, including training of correctional personnel;

"(2) developing and administering accountability-based sanctions for juvenile offenders;

"(3) hiring additional juvenile judges, probation officers, and court-appointed defenders, and funding pre-trial services for juveniles, to ensure the smooth and expeditious administration of the juvenile justice system;

"(4) hiring additional prosecutors, so that more cases involving violent juvenile offenders can be prosecuted and backlogs reduced;

"(5) providing funding to enable prosecutors to address drug, gang, and youth violence problems more effectively;

"(6) providing funding for technology, equipment, and training to assist prosecutors in identifying and expediting the prosecution of violent juvenile offenders;

"(7) providing funding to enable juvenile courts and juvenile probation offices to be more effective and efficient in holding juvenile offenders accountable and reducing recidivism;

"(8) the establishment of court-based juvenile justice programs that target young firearms offenders through the establishment of juvenile gun courts for the adjudication and prosecution of juvenile firearms offenders;

"(9) the establishment of drug court programs for juveniles so as to provide continuing judicial supervision over juvenile offenders with substance abuse problems and to provide the integrated administration of other sanctions and services;

"(10) establishing and maintaining interagency information-sharing programs that enable the juvenile and criminal justice system, schools, and social services agencies to make more informed decisions regarding the early identification, control, supervision, and treatment of juveniles who repeatedly commit serious delinquent or criminal acts; and

"(11) establishing and maintaining accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies, or which are designed, in cooperation with law enforcement officials, to protect students and school personnel from drug, gang, and youth violence.

"SEC. 1802. GRANT ELIGIBILITY.

"(a) STATE ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall submit to the Attorney General an application at such time, in such form, and containing such assurances and information as the Attorney General may require by rule, including assurances that the State and any unit of local government to which the State provides funding under section 1803(b), has in effect (or will have in effect not later than 1 year after the date a State submits such application) laws, or has implemented (or will implement not later than 1 year after the date a State submits such application) policies and programs, that—

"(1) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

"(2) impose sanctions on juvenile offenders for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation, including such accountability-based sanctions as—

"(A) restitution;

"(B) community service;

"(C) punishment imposed by community accountability councils comprised of individuals from the offender's and victim's communities;

"(D) fines; and

"(E) short-term confinement;

"(3) establish at a minimum a system of records relating to any adjudication of a juvenile who has a prior delinquency adjudication and who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law; and

"(4) ensure that State law does not prevent a juvenile court judge from issuing a court order against a parent, guardian, or custodian of a juvenile offender regarding the supervision of such an offender and from imposing sanctions for a violation of such an order.

"(b) LOCAL ELIGIBILITY.—

"(1) SUBGRANT ELIGIBILITY.—To be eligible to receive a subgrant, a unit of local government shall provide such assurances to the State as the State shall require, that, to the maximum extent applicable, the unit of local government has laws or policies and programs which—

"(A) ensure that juveniles who commit an act after attaining 15 years of age that would be a serious violent crime if committed by an adult are treated as adults for purposes of prosecution as a matter of law, or that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults;

"(B) impose a sanction for every delinquent or criminal act, or violation of probation, ensuring that such sanctions escalate in severity with each subsequent, more serious delinquent or criminal act, or violation of probation; and

"(C) ensure that there is a system of records relating to any adjudication of a juvenile who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony under Federal or State law which is a system equivalent to that maintained for adults who commit felonies under Federal or State law.

"(2) SPECIAL RULE.—The requirements of paragraph (1) shall apply to an eligible unit that receives funds from the Attorney General under section 1803, except that information that would otherwise be submitted to the State shall be submitted to the Attorney General.

"SEC. 1803. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) STATE ALLOCATION.—

"(1) IN GENERAL.—In accordance with regulations promulgated pursuant to this part, the Attorney General shall allocate—

"(A) 0.25 percent for each State; and

"(B) of the total funds remaining after the allocation under subparagraph (A), to each State, an amount which bears the same ratio to the amount of remaining funds described in this subparagraph as the population of people under the age of 18 living in such State for the most recent calendar year in which such data is available bears to the population of people under the age of 18 of all the States for such fiscal year.

"(2) PROPORTIONAL REDUCTION.—If amounts available to carry out paragraph (1)(A) for any payment period are insufficient to pay in full the total payment that any State is otherwise eligible to receive under paragraph (1)(A) for such period, then the Attorney General shall reduce payments under paragraph (1)(A) for such payment period to the extent of such insufficiency. Reductions under the preceding sentence shall be allocated among the States (other than States whose payment is determined under paragraph (2)) in the same proportions as amounts would be allocated under paragraph (1) without regard to paragraph (2).

"(3) PROHIBITION.—No funds allocated to a State under this subsection or received by a State for distribution under subsection (b) may be distributed by the Attorney General or by the State involved for any program other than a program contained in an approved application.

"(b) LOCAL DISTRIBUTION.—

"(1) IN GENERAL.—Each State which receives funds under subsection (a)(1) in a fiscal year shall distribute not less than 75 percent of such amounts received among units of local government, for the purposes specified in section 1801. In making such distribution the State shall allocate to such units of local government an amount which bears the same ratio to the aggregate amount of such funds as—

"(A) the sum of—

"(i) the product of—

"(I) two-thirds; multiplied by

"(II) the average law enforcement expenditure for such unit of local government for the 3 most recent calendar years for which such data is available; plus

"(ii) the product of—

"(I) one-third; multiplied by

"(II) the average annual number of part 1 violent crimes in such unit of local government for the 3 most recent calendar years for which such data is available, bears to—

"(B) the sum of the products determined under subparagraph (A) for all such units of local government in the State.

"(2) EXPENDITURES.—The allocation any unit of local government shall receive under paragraph (1) for a payment period shall not exceed 100 percent of law enforcement expenditures of the unit for such payment period.

"(3) REALLOCATION.—The amount of any unit of local government's allocation that is not available to such unit by operation of paragraph (2) shall be available to other units of local government that are not affected by such operation in accordance with this subsection.

"(c) UNAVAILABILITY OF DATA FOR UNITS OF LOCAL GOVERNMENT.—If the State has reason to believe that the reported rate of part 1 violent crimes or law enforcement expenditure for a unit of local government is insufficient or inaccurate, the State shall—

"(1) investigate the methodology used by the unit to determine the accuracy of the submitted data; and

"(2) if necessary, use the best available comparable data regarding the number of violent crimes or law enforcement expenditure for the relevant years for the unit of local government.

"(d) LOCAL GOVERNMENT WITH ALLOCATIONS LESS THAN $5,000.—If under this section a unit of local government is allocated less than $5,000 for a payment period, the amount allotted shall be expended by the State on services to units of local government whose allotment is less than such amount in a manner consistent with this part.

"(e) DIRECT GRANTS TO ELIGIBLE UNITS.—

"(1) IN GENERAL.—If a State does not qualify or apply for funds reserved for allocation under subsection (a) by the application deadline established by the Attorney General, the Attorney General shall reserve not more than 75 percent of the allocation that the State would have received under subsection (a) for such fiscal year to provide grants to eligible units which meet the requirements for funding under subsection (b).

"(2) AWARD BASIS.—In addition to the qualification requirements for direct grants for eligible units the Attorney General may use the average amount allocated by the States to like governmental units as a basis for awarding grants under this section.

"SEC. 1804. REGULATIONS.

"The Attorney General shall issue regulations establishing procedures under which an eligible State or unit of local government that receives funds under section 1803 is required to provide notice to the Attorney General regarding the proposed use of funds made available under this part.

"SEC. 1805. PAYMENT REQUIREMENTS.

"(a) TIMING OF PAYMENTS.—The Attorney General shall pay each State or unit of local government that receives funds under section 1803 that has submitted an application under this part not later than—

"(1) 180 days after the date that the amount is available, or

"(2) the first day of the payment period if the State has provided the Attorney General with the assurances required by subsection (c),

whichever is later.

"(b) REPAYMENT OF UNEXPENDED AMOUNTS.—

"(1) REPAYMENT REQUIRED.—From amounts appropriated under this part, a State shall repay to the Attorney General, by not later than 27 months after receipt of funds from the Attorney General, any amount that is not expended by the State within 2 years after receipt of such funds from the Attorney General.

"(2) PENALTY FOR FAILURE TO REPAY.—If the amount required to be repaid is not repaid, the Attorney General shall reduce payment in future payment periods accordingly.

"(3) DEPOSIT OF AMOUNTS REPAID.—Amounts received by the Attorney General as repayments under this subsection shall be deposited in a designated fund for future payments to States.

"(c) ADMINISTRATIVE COSTS.—A State, unit of local government or eligible unit that receives funds under this part may use not more than 10 percent of such funds to pay for administrative costs.

"(d) NONSUPPLANTING REQUIREMENT.—Funds made available under this part to States, units of local government, or eligible units shall not be used to supplant State or local funds as the case may be, but shall be used to increase the amount of funds that would, in the absence of funds made available under this part, be made available from State or local sources, as the case may be.

"(e) MATCHING FUNDS.—The Federal share of a grant received under this part may not exceed 90 percent of the costs of a program or proposal funded under this part.

"SEC. 1806. UTILIZATION OF PRIVATE SECTOR.

"Funds or a portion of funds allocated under this part may be utilized to contract with private, nonprofit entities or community-based organizations to carry out the purposes specified under section 1801(a)(2).

"SEC. 1807. ADMINISTRATIVE PROVISIONS.

"(a) IN GENERAL.—A State that receives funds under this part shall—

"(1) establish a trust fund in which the government will deposit all payments received under this part; and

"(2) use amounts in the trust fund (including interest) during a period not to exceed 2 years from the date the first grant payment is made to the State;

"(3) designate an official of the State to submit reports as the Attorney General reasonably requires, in addition to the annual reports required under this part; and

"(4) spend the funds only for the purposes under section 1801(b).

"(b) TITLE I PROVISIONS.—The administrative provisions of part H shall apply to this part and for purposes of this section any reference in such provisions to title I shall be deemed to include a reference to this part.

"SEC. 1808. DEFINITIONS.

"For the purposes of this part:

"(1) The term 'unit of local government' means—

"(A) a county, township, city, or political subdivision of a county, township, or city, that is a unit of local government as determined by the Secretary of Commerce for general statistical purposes; and

"(B) the District of Columbia and the recognized governing body of an Indian tribe or Alaskan Native village that carries out substantial governmental duties and powers.

"(2) The term 'eligible unit' means a unit of local government which may receive funds under section 1803(e).

"(3) The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, except that American Samoa, Guam, and the Northern Mariana Islands shall be considered as 1 State and that, for purposes of section 1803(a), 33 percent of the amounts allocated shall be allocated to American Samoa, 50 percent to Guam, and 17 percent to the Northern Mariana Islands.

"(4) The term 'juvenile' means an individual who is 17 years of age or younger.

"(5) The term 'law enforcement expenditures' means the expenditures associated with police, prosecutorial, legal, and judicial services, and corrections as reported to the Bureau of the Census for the fiscal year preceding the fiscal year for which a determination is made under this part.

"(6) The term 'part 1 violent crimes' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports.

"(7) The term 'serious violent crime' means murder, aggravated sexual assault, and assault with a firearm.

"SEC. 1809. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this part—

"(1) $500,000,000 for fiscal year 1999;

"(2) $500,000,000 for fiscal year 2000; and

"(3) $500,000,000 for fiscal year 2001.

"(b) OVERSIGHT ACCOUNTABILITY AND ADMINISTRATION.—Not more than 1 percent of the amount authorized to be appropriated under subsection (a), with such amounts to remain available until expended, for each of the fiscal years 1999 through 2001 shall be available to the Attorney General for studying the overall effectiveness and efficiency of the provisions of this part, assuring compliance with the provisions of this part, and for administrative costs to carry out the purposes of this part. The Attorney General shall establish and execute an oversight plan for monitoring the activities of grant recipients.

"(c) FUNDING SOURCE.—Appropriations for activities authorized in this part may be made from the Violent Crime Reduction Trust Fund.".

(b) CLERICAL AMENDMENTS.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking the item relating to part R and inserting the following:

"PART R—JUVENILE ACCOUNTABILITY BLOCK GRANTS

"Sec. 1801. Program authorized.
"Sec. 1802. Grant eligibility.
"Sec. 1803. Allocation and distribution of funds.
"Sec. 1804. Regulations.
"Sec. 1805. Payment requirements.
"Sec. 1806. Utilization of private sector.
"Sec. 1807. Administrative provisions.

"Sec. 1808. Definitions.
"Sec. 1809. Authorization of appropriations.".

TITLE VIII—SPECIAL PRIORITY FOR CERTAIN DISCRETIONARY GRANTS

SEC. 801. SPECIAL PRIORITY.

Section 517 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(c) SPECIAL PRIORITY.—In awarding discretionary grants under section 511 to public agencies to undertake law enforcement initiatives relating to gangs, or to juveniles who are involved or at risk of involvement in gangs, the Director shall give special priority to a public agency that includes in its application a description of strategies, either in effect or proposed, providing for cooperation between local, State, and Federal law enforcement authorities to disrupt the illegal sale or transfer of firearms to or between juveniles through tracing the sources of crime guns provided to juveniles.".

TITLE IX—GRANT REDUCTION

SEC. 901. PARENTAL NOTIFICATION.

(a) GRANT REDUCTION FOR NONCOMPLIANCE.—Section 506 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(g) INFORMATION ACCESS.—

"(1) IN GENERAL.—The funds available under this subpart for a State shall be reduced by 20 percent and redistributed under paragraph (2) unless the State—

"(A) submits to the Attorney General, not later than 1 year after the date of the enactment of the Juvenile Crime Control Act of 1998, a plan that describes a process to notify parents regarding the enrollment of a juvenile sex offender in an elementary or secondary school that their child attends; and

"(B) adheres to the requirements described in such plan in each subsequent year as determined by the Attorney General.

"(2) REDISTRIBUTION.—To the extent approved in advance in appropriations Acts, any funds available for redistribution shall be redistributed to participating States that have submitted a plan in accordance with paragraph (1).

"(3) COMPLIANCE.—The Attorney General shall issue regulations to ensure compliance with the requirements of paragraph (1).".

TITLE X—GENERAL PROVISIONS

SEC. 1001. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—The amendments made by this Act shall apply only with respect to fiscal years beginning after September 30, 1998.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

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

Mr. SCOTT. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri (Mr. CLAY) control the time.

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

There was no objection.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that 10 minutes of the time that I control be controlled by the gentleman from Florida (Mr. MCCOLLUM).

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

There was no objection.

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

Mr. Speaker, I rise in support of S. 2073, which authorizes appropriations for the National Center for Missing and Exploited Children, and I have a substitute which would replace the text of this bill which includes comprehensive reforms to our Nation's programs addressing juvenile crime.

Mr. Speaker, in 1995, juveniles accounted for 32 percent of the arrests for robberies, 23 percent of weapons violations, 15 percent of rapes, 13 percent of aggravated assaults and 9 percent of arrests for murder. These are staggering statistics that should draw our collective attention to the need for meaningful reform over our juvenile justice system.

Last year, the House passed H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act. This is an important bill that not only supports making juveniles accountable for their actions, but also provides funds to States and local communities in designing prevention programs to help young Americans turn their lives around.

The House has also passed H.R. 3, legislation from the Committee on the Judiciary to hold juveniles accountable for their actions. Together, these two bills presented a comprehensive approach to addressing juvenile crime in America today.

The Senate passed legislation amending portions of H.R. 1818, specifically amendments to the Missing Children's Assistance Act and the Runaway and Homeless Youth Act.

It is our intent to amend this legislation, S. 2073, to include the provisions of H.R. 1818 and H.R. 3 and to request a House/Senate conference to work out the differences between the two bills.

Mr. Speaker, over the past 2 years, we have seen a horrendous increase in school violence in our country. I believe the number of students who have been killed in our Nation's schools by other students has shocked all of us. The well thought out provisions of H.R. 1818 provide support for States and local communities in addressing issues relating to juvenile crime, including school violence.

It places the design of prevention programs where it appropriately belongs, at the local level. Although it outlines a number of ways in which funds can be used, it does not restrict local innovation.

Earlier this year, the Subcommittee on Early Childhood, Youth and Families held a hearing on understanding violent children. This hearing focused on the factors that are likely to contribute to school violence and explored the backgrounds of children who commit the violent acts.

One key issue was discussed by most of the witnesses testifying at the hearing: The need for early identification of students with a potential for violence and then early intervention and prevention activities directed at those students. Schools could conduct these types of activities using funds provided under this act.

Mr. Speaker, we need to make communities and schools safe. Our goal is crime-free environments where children can play and learn. To reach this goal, we must act now to move legislation addressing juvenile crime. The end of the session is drawing near. We cannot afford to wait any longer. Parents, teachers, counselors and law enforcement personnel cannot continue to wait for us to act. Most importantly, our sons and daughters need our support in making playgrounds and neighborhoods safe again.

I believe we must take advantage of this opportunity to produce legislation which not only provides appropriate punishment for juvenile offenders but which provides a variety of intervention and prevention programs to prevent youth involvement in delinquent activities, and I urge the Members' support.

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the remainder of my time be controlled by the gentleman from Florida (Mr. MCCOLLUM).

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

There was no objection.

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

Mr. Speaker, I rise in opposition to this Republican ploy to strike the language in S. 2073 and replace it with both H.R. 1818 and H.R. 3.

H.R. 3 is a punitive, controversial measure from the Committee on the Judiciary, which does very little to prevent crime in America's streets. By contrast, H.R. 1818 is a bipartisan measure that includes thoughtful, effective crime prevention measures that will give juveniles real alternatives.

By combining these two House bills, we will virtually obliterate and ensure the obliteration of H.R. 1818's positive prevention measures. H.R. 1818 enjoyed very strong bipartisan support, which was evidenced by its overwhelming margin of passage, 413 to 14. The bill creates a new, more effective and streamline prevention and treatment program for juveniles. It also maintains a Federal role in juvenile justice research and evaluation, and it provides for the separation of juveniles from adults in correctional settings.

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H.R. 1818 was considered under suspension of the rules and was the product of several months of careful negotiation. By contrast, H.R. 3 would result in more juveniles being tried as adults in Federal court because it provides for the mandatory adult prosecution of 14-year-olds charged with serious violent felonies.

This is a far cry from the strong prevention-based philosophy of H.R. 1818. We cannot afford to toss our troubled juveniles into jail and throw away the keys. We must intervene first with the strong and flexible prevention measures that H.R. 1818 provides.

Mr. Speaker, I believe that H.R. 1818's promotion of prevention over punishment, substance over politics, shows what we as elected officials can do to produce fair, bipartisan legislation. Instead of looking to score cheap political points, let us do right by our Nation's troubled children and work to prevent juvenile crime.

Mr. Speaker, the combining of these bills is a Republican ploy to force Members who already opposed H.R. 3 to vote for it now. This amendment is an abuse of the suspension calendar. Members who voted against H.R. 3, or have concerns about the Draconian measures in S. 2073, should vote "no" on this motion.

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

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

Mr. Speaker, this bill, as has been stated previously, contains the elements of two major youth crime bills and an effort to improve our juvenile justice system very dramatically as the work product of two different committees of this House.

Both of these bills in other forms, but very much the same language, have passed this body. H.R. 3, which passed this body some time ago in the last session of this Congress back last year, passed by a vote of 286 to 132. That is what constitutes sections 5 and 6 and 7 of this bill today.

Mr. Speaker, I want my colleagues to fully understand that many, the vast majority, voted for these provisions previously. We have had some difficulty getting the legislation represented by both of these previous bills into law. So, consequently, this is an effort to combine the two and perhaps be able to get something through the other body, as well as ours, and to the President's desk.

First of all, it is extremely important for us to recognize that we have a crisis in juvenile crime today in this Nation. Our juvenile justice system is truly broken because juvenile judges, juvenile prosecutors, juvenile probation officers, are overwhelmed by the caseload that is out there.

We find in the streets of America today young people committing crimes, oftentimes the traditional crimes we think of as going to juvenile court of doing something like spray painting graffiti on a warehouse wall or running over a parking meter, and not even seeing the police officer taking them into the juvenile authorities because the juvenile authorities are so overworked, they have to spend their time on the violent crime that we hear so much about in society today, that they are not focused and cannot take the time to focus on these lesser crimes.

Then when they are taken in, they may or may not receive any punishment at all. We have a lot of reports in some of our major urban areas where they do not receive any punishment, which is the reason why law enforcement hesitates to carry these young people in that commit misdemeanor crimes and wait for the really serious stuff, which may be many, many crimes down the road. Then those who do get some punishment frequently cannot be supervised, because there is no probation officer who has the time to do that and so on down the line.

As a net consequence, what I have learned as chairman of the Subcommittee on Crime in this House over the last 3 or 4 years is that we have a lot of young people who believe that there is no consequence to their juvenile acts when they go out and commit these relatively petty crime. The experts say in that case, since they may commit all kinds of these crimes and never get any punishment, never even be taken into the juvenile authorities, is it any wonder that when they are a little older and rob a 7-Eleven store with a gun that they do not hesitate to pull the trigger because they do not think that there is going to be any consequences.

So, what is in this bill that was in H.R. 3, which is the gist of that bill on juvenile justice reform, is an effort to hold these young people accountable, knowing and recognizing that the vast majority of juvenile justice problems are in the States, not at the Federal level. This is not a Federal bill in that sense. It is, instead, a bill that would provide for some effort to put some accountability in there by a grant program to the States and local communities for the purposes of promoting this accountability.

The funds that would be authorized in this bill are $500 million a year over 3 years for State and local communities to be able to spend for the purposes of increasing accountability in their juvenile justice systems for anything they want to. More judges, more probation officers, more prosecutors, more juvenile detention facilities if that is what they need, but within the framework of juvenile justice for anything they want.

There are only a couple of provisions that they have to assure the Attorney General of the United States in order to get the grant money, the first and foremost of which is that the State would have to ensure that there is a sanction, some kind of punishment, for every delinquent or criminal act of a juvenile and that there will be an escalating greater sanction for every subsequent delinquent act that is more serious.

That is very critical. It does not exist today, unfortunately, in most communities and it needs to exist. That is the real reason for this part of the legislation, why H.R. 3 was passed, and why it is in this bill today. It is a grant program to provide those additional resources so that these overworked juvenile justice systems can be given a jump start, knowing that the States will have to pump even more money into the system, but at least saying we are out there to offer a helping hand of $500 million a year, which is a lot of money, to the States which comply with that.

They also would have to establish a system of records for juveniles adjudicated delinquent for a second offense that would be a felony if committed by an adult, which is a system equivalent to that maintained for adults that commit felonies.

They have to assure that State law does not prevent a juvenile court judge from issuing an order against a parent or guardian of a juvenile offender and from imposing sanctions for violation of that order, which most States already do.

The last one that is often talked about, but that is far milder than has been represented even here today, they have to assure the Attorney General that when juveniles commit an act after attaining the age of 15 years of age that would be a serious violent crime on only one of those four, murder, aggravated, sexual assault, and armed robbery with a firearm if committed by an adult, may be prosecuted as an adult within the discretion of the prosecutor, which is, of course, the law in almost all States today.

The heart of this is that we want money to go to the States to improve their juvenile justice systems. This is a grant program to do that. It is primarily attached to the principal string that they will start punishing and assure us that they are punishing juveniles for their first delinquent acts and then increase that punishment thereafter with the misdemeanor crimes to put consequences back into the law and stop a lot of these kids from committing the violent crimes that they do later. It is a very important bill and I urge its adoption.

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

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

Mr. MARTINEZ. Mr. Speaker, I rise in opposition to the House substitute

to S. 2073. Members on the other side of the aisle are politicizing what could have been a bipartisan debate on juvenile justice by incorporating the controversial H.R. 3 in the substitute.

It is certain that the House had bipartisan options at hand. The Senate version of S. 2073 would have reauthorized the Runaway and Homeless Youth Act and the National Center for Missing and Exploited Children. While I am a strong advocate of both programs and support their extension, I do not support H.R. 3, which is an overreaction.

On the other hand, one of the bills that we are using as a substitute to the Senate legislation is H.R. 1818, the Juvenile Justice Crime Control and Delinquency Prevention Act, which also reauthorizes these important programs and represents a truly bipartisan compromise in addressing juvenile justice.

Over a year ago, H.R. 1818 passed the House with near unanimous support. This legislation shows what we can do as elected officials to produce good public policy on a truly bipartisan basis. H.R. 1818 strengthens the vital provisions of the Juvenile Justice and Delinquency Prevention Act, embodied in the four core mandates, while providing flexibility to deal with the real life difficulties of dealing with juvenile offenders.

In addition, a dramatic positive new step is also taken by the creation of H.R. 1818's Community Prevention Block Grant. These funds will provide the vital tools necessary for our local communities to prevent juvenile crimes.

Unfortunately, legislation that lacks the overwhelming bipartisan mandate afforded to H.R. 1818 will also be incorporated in the House substitute to S. 2073. That legislation, H.R. 3, relies on punitive measures rather than the prevention efforts which are more successful and less costly. H.R. 3 espouses an extremist view of addressing juvenile crime, both by calling for the prosecution of more youths as adults and forcing juveniles to be housed with adult offenders.

This is in direct conflict with the provisions of H.R. 1818 which mandate total sight and sound separation of adults and juveniles in correctional facilities. These protections were first enacted in the JJDPA due to the overwhelming evidence that housing adults with youth together in the same correctional facility was dangerous and even lethal for juveniles.

Mr. Speaker, the facts are the suicide rate for youths in adult jails is eight times higher than that for children in juvenile detention centers. Most suicide attempts actually occur within the first hours of incarceration. In addition, youth who come in contact with adult inmates are often physically and sexually abused. I can attest that we could only be promoting recidivism by jailing youth offenders with adults, thus condemning these children to a lifetime of crime.

Therefore, despite myself strong support for H.R. 1818 and the Senate version of S. 2073, I must oppose the legislation before us today. I cannot support any measure that takes the irresponsible and hard-hearted approach to juvenile justice set forth in H.R. 3.

Mr. Speaker, I urge my colleagues to join me in voting against the House version of S. 2073.

Mr. MCCOLLUM. Mr. Speaker, may I inquire how much time each side has remaining. I believe I have adopted the time of the gentleman from Pennsylvania (Mr. GOODLING).

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Florida (Mr. MCCOLLUM) has 10 minutes remaining, and the gentleman from Missouri (Mr. CLAY) has 14 minutes remaining.

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

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. SCOTT) be allowed to manage the balance of my time.

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

There was no objection.

Mr. SCOTT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in opposition to the motion to suspend the rules and pass the amended version of S. 2073. The original version of S. 2073 was a simple reauthorization of the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Act. This new version has added H.R. 3 and the good, effective crime prevention bill, H.R. 1818, but it is the provisions of H.R. 3 that are most egregious.

Mr. Speaker, it has been two Congresses since we started debating on how best to reduce juvenile delinquency in this country and today we still do not have a Federal juvenile justice policy that will assist States and communities in addressing this persistent problem.

Instead, Congress has elected to go the politically popular route and use sound bites to develop bad juvenile crime policy. Even prominent research organizations such as the RAND Institute finds that the popular sound bite, "You do the adult crime, you do the adult time," has been shown to actually increase juvenile crime.

H.R. 3 has not changed much since it was last considered. Unlike H.R. 1818, it still allows children to be housed in adult prisons with adults, where they are five times more likely to be sexual assaulted, twice as likely to be beaten, and 50 percent more likely to be attacked with a weapon than children in a juvenile facility.

H.R. 3 requires States to prosecute children as young as 14 in the adult court system, which significance research shows will increase crime. Those crimes will be committed sooner and be more violent if we adopt this policy. Incredibly for the juveniles affected, the studies show that the adult time will actually be shorter than the juvenile time. That is right, the adult time will be shorter.

To add insult to injury, in most States the juvenile would be entitled to a preliminary hearing, giving the witnesses and the victims two trials to endure rather than one.

H.R. 3 also represents government intrusion at its worst. It would require 37 States to change their juvenile justice, laws including not only my State of Virginia but also California, Pennsylvania, Ohio, Texas and many others.

It is also important to understand that by bringing up S. 2073 in the House under a suspension of the rules as we are doing today the Senate no longer have to debate juvenile justice. They have a bill in the Senate, S. 10, which is similar to H.R. 3, and it has not been able to reach the floor because it cannot pass the "Light of Day Test," because when daylight hits S. 10, no one likes what they see. It has been criticized by the National Governors' Association, the National District Attorneys Association, the Children's Defense Fund, and even the Chief Justice of the Supreme Court.

□ 1430

Mr. Speaker, this is the wrong way to establish a Federal juvenile crime policy. We should let the center continue to deliberate until they can pass a juvenile crime bill that actually reduces youth crime. Meanwhile, the House should defeat the motion to suspend the rules and, instead, pass a simple reauthorization of the National Center for Missing and Exploited Children and the Runaway and Homeless Youth Acts.

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

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

Mr. SOUDER. Mr. Speaker, I stand in somewhat of an unusual position today. I serve on the Subcommittee on Early Childhood, Youth and Families of the Committee on Education and the Workforce and have worked with the gentleman from California (Mr. MARTINEZ) and the gentleman from Virginia (Mr. SCOTT) on this bill, both in the last session of Congress and in this session, and on H.R. 1818, which is a part of this bill. And we were able to develop a bipartisan and important consensus that in reaching out to children, in particularly their juvenile period, that we need to try to reach these kids before they get to the level of serious crime and work through that problem; and that they deserve special set-aside counseling, both in prevention

and after they have committed a crime.

But this has been merged with another bill, Mr. Speaker, which I also support, which says that for certain actions, such as if a juvenile shoots somebody and kills them, if they rape someone, or if they commit armed robbery with a firearm, and they are 15 years of age, that person is just as dead, just as raped, or had their life just as threatened as if that individual were 18. We have spent too much time worrying about some of these juveniles on the street without thinking about the people, particularly in a lot of our urban centers, who are terrorized by these young people; without thinking of the people working in many fast food places, that are now shutting down in my hometown of Fort Wayne and around this country, where people do not have places to get food, they do not have grocery stores in their area because a few individuals are terrorizing their neighborhoods.

Now, I do not necessarily agree completely with every part of the crime bill section of this, in the sense that I think we need rehabilitation programs. We have had a celebrated case in our State about a young girl who committed a murder. And, clearly, when an individual is 14, 15, 16, 17, they are going through somewhat of a different process. And as has been pointed out, they are going to be released and we need to work with them. But they need to be off the streets and held accountable for their crimes, because for a few people in this society, in many cases, it is questionable, quite frankly, in these rape cases and armed robberies, whether indeed any of the rehab programs are working, and many of these people are not coming off the street.

I am not arguing against prevention. I supported that bill; I helped develop that bill. I believe we have an excellent effort to try to reach more of these young people before they get to that step. But we are getting into a posture, it seems like in this government, where if someone apologizes, if they say they are sorry, if somehow somebody gives them a slap on the wrist or maybe gives them a sensor, that they are not held accountable for their actions in this country anymore. There should be a price to pay if someone shoots somebody, if they rape somebody, or if they use a gun in an armed robbery. They should be held accountable for that crime, and we are not doing it at this time.

Forty percent of people in the juvenile period of 15 until they reach adulthood are not serving sentences, and they are back out on the streets terrorizing the senior citizens in their neighborhood and the other kids. We had a little boy that was gunned down in Fort Wayne, and one a little bit older, as a gang was going through in a random shooting of a house trying to find another drug dealer. Can anybody get that little boy's life back?

I believe the person who pulls that trigger or who threatens to pull the trigger should be held accountable. Then, I also believe while they are in prison, we need to work with them and be sensitive to these young people being raped in prison and how we should separate them. But they should go to jail, they should do the time, and they should be held accountable. Because when they take another life or rape someone or assault someone, they need to be held accountable.

Mr. SCOTT. Mr. Speaker, I yield myself 30 seconds, prior to yielding to the gentleman from Rhode Island, to point out that when the gentleman talks about rape, robbery, and shooting, we need to point out that two-thirds of the juveniles treated as adults today are treated as adults for nonviolent offenses. We are already that far down the list.

There is no State that needs any direction from Congress to decide what to do about people who are shooting, raping and robbing with a firearm. In fact, for those affected by this bill, they will serve less time. And that is, obviously, not the accountability that we want to be talking about.

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

Mr. KENNEDY of Rhode Island. Mr. Speaker, I thank the gentleman from Virginia for yielding me this time, and I want to salute the gentleman from Virginia for all the good work that he does to preserve sound policy with respect to juvenile crime.

My colleagues, what we are doing today is wrong. We are taking a bill that is supposed to help missing and exploited children and runaway and homeless youth, we are taking this program and we are saddling it with a political agenda. We are taking these most vulnerable children in our society, the exploited children of this society, and we are exploiting them for political gain, and this time it is by the United States Congress that wants to beat its chest and say how tough they are on crime.

Every single knowledgeable person in this country who works in the area of juvenile crime will tell us that the kind of policy that the Republicans are trying to foist on this Congress is policy that simply does not work. How do we know this? The United States Senate will not even take up this draconian bill, a bill that would put 14-year-old children in the same prison as an adult criminal. They are not taking up this bill because they know it is barbaric.

So what are we doing today? We are trying to circumvent the proper process, to allow this Congress an opportunity to debate and fully understand this bill, by putting it on the suspension calendar and hoping no one will know that this Congress is taking missing and exploited children and using their political agenda to attach H.R. 3 onto this bill.

This bill is not about missing and exploited children any longer, it is about a Republican agenda to make themselves look tough on crime when in actuality they are victimizing these poor children once again.

Mr. MCCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of S. 2073, the reauthorization of the Missing and Exploited Children and the Runaway and Homeless Youth Acts. This substitute includes H.R. 1818, the Juvenile Crime Control and Delinquency Prevention Act, which passed the House Committee on Education and the Workforce on which I serve.

This bill also contains and incorporates a very important provision that I sponsored that provides the National Center for Missing and Exploited Children with funds to serve as the Nation's primary resource center for child protection.

For more than 13 years, the National Center, a private nonprofit organization established by Congress in 1984, has been instrumental in locating and recovering missing children and preventing child abductions, molestations and sexual exploitations. The National Center is a vital resource for families and the approximately 17,000 law enforcement agencies in the United States in the search for missing children and the quest for child protection.

The Center has worked for clearinghouses in all 50 States in locating over 35,000 children and preventing child abductions, molestations and sexual exploitations. One of the National Center's success stories hit very close to my home. Last year it assisted local authorities in the recovery of two missing Delawarians who were located in Florida.

This bipartisan legislation also provides us with a balanced approach to addressing juvenile crime and endorses a concept of holding juveniles accountable for their crimes while also providing for prevention programs that can help young people turn their lives around.

Mr. Speaker, by adequately funding the National Center for Missing and Exploited Children, we can solidify our resources, hone our message, and assure every family and every law enforcement agency that we are committed to long-term child protection. I urge my colleagues to support passage of this legislation so we can move it to conference with the Senate soon.

Mr. SCOTT. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. MCCARTHY.)

Mrs. McCARTHY of New York. Mr. Speaker, I thank my colleague for yielding me this time. I rise in opposition to the motion to suspend the rules and pass S. 2073 as amended.

My work to end violence in this country has shown me that attacking violence requires a wide range of measures, including getting guns out of the hands of our young people. If we want to reduce juvenile crime, we must address guns and how kids get ahold of them. Since the House passed H.R. 3 and H.R. 1818 last year, unfortunately, there have been several tragic incidents of violence in our schools.

Last June, I introduced the Children's Gun Violence Prevention Act, common sense legislation to keep guns out of the hands of children. It has received broad support from both sides of the aisle and would take a major step towards reducing juvenile crime. Sadly, the process we are using today will give either chamber the chance to address my legislation or any steps we must take towards reducing gun violence. That is just not right.

Today may be our last chance to debate the issue of juvenile crime this year. If we fail to address gun violence as part of this effort, we will not be doing our job. If we are serious about reducing gun violence among our youth, and violence in general, then we have to do something about keeping our schools safe. We should defeat this motion, Mr. Speaker.

We want to do the right thing in this chamber, and sometimes, unfortunately, when we rush through things, we are not doing the right thing. I ask my colleagues to defeat this, to go back, and let us really do the right thing for our young people in this country.

Mr. SCOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, it was interesting today to listen to the gentleman from Indiana talk about accountability and referring to some specific incidents. I daresay that if we took the time in this debate and asked the gentleman if those juveniles who committed those crimes were incarcerated, the answer would be in the affirmative. That is because there is some good news out there.

We have certainly not achieved utopia. We have not arrived at the promised land. But as the gentleman from Florida, the chairman of the Subcommittee on Crime of the Committee on the Judiciary is fully apprised of, juvenile crime is down in this Nation. The States are doing some things that work, and it is important to understand that.

In fact, violent crime, which is committed generally by young males between the ages of 15 and 25, is dramatically down all over the country. But if this bill should pass, as amended, 40 States in this Nation are going to have to change their juvenile justice laws so that they can qualify for the hundreds of millions of dollars that would be forthcoming from H.R. 3, which is now part of this bill. They would have to change their juvenile justice laws even if they are working. And let me say that just simply makes no sense whatsoever.

For example, in the Commonwealth of Massachusetts, my home State, in the city of Boston, the capital city of Massachusetts, there has been an incredible drop in terms of juvenile crimes, and Boston is frequently cited as a model for the rest of the Nation. When I first became the district attorney for the metropolitan Boston area back in 1975, within the city of Boston itself there were 140 homicides. In this year it is projected that there will be less than 30 homicides.

So there are some good things happening. Yet, if we pass this particular bill, the Commonwealth of Massachusetts and some 40 other States would have to change their juvenile justice laws that are working to simply qualify for the Federal monies. That is wrong and it makes no sense.

□ 1445

Let me suggest that we vote "no" on this bill and demand a simple reauthorization of the National Center for Missing and Exploited Children as provided for in the original Senate bill.

Mr. SCOTT. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE) who is a former judge, and I want to thank, as she is approaching the podium, the gentleman from Massachusetts (Mr. DELAHUNT), a former prosecutor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Virginia for his leadership, and I frankly thank the gentleman from Florida (Mr. McCOLLUM) for the many times that we have debated this issue.

As he well knows, I was able to join him in the early part of my first coming to this Congress to hear from different communities on the concerns of juvenile delinquency or juvenile issues. I would simply say to the gentleman from Florida (Mr. McCOLLUM), I would hope that we will have a further opportunity to address his concerns and as well really answer the devastation of juveniles who are facing difficult lives, and by that juveniles who come from dysfunctional families and juveniles who need more than being locked up and incarcerated.

Frankly, let me say to the gentleman from Virginia, knowing his hard work, I am prepared and think we all are prepared to support the original reauthorization of the Missing and Exploited Children and the Runaway and Homeless Youth Acts. In fact, H.R. 1818 that deals with prevention has the legislation in the right direction. It includes the support of the missing and exploited children which is so important to the survival of runaway children, children who are exploited and does a very fine job, but yet it also matches our concerns as so many Members have risen to the floor of the House to talk about the high numbers of juvenile crime. But what they have not done is recognize that H.R. 3, which is now incorrectly attached to the missing and exploited children's reauthorization, is not the answer but in fact experts will tell us that when we incarcerate children with adults, when we provide no prevention, when we provide no treatment, when we have no support systems for their families, we do not have rehabilitation.

This country is too good, it is too good, and children are too good for us to throw them away. The leading headline of Emerge Magazine said, "Teenagers are not as bad as we paint them." What they need is support systems like Girls and Boys Clubs. They need the Boy Scouts and Girl Scouts of America. They need the foster parent program. They need systems in Houston such as that authorized by Mayor Lee Brown, the after-school programs. They need parks opened.

H.R. 3 does not answer the question, what do we do about prevention? What do we do about a youngster who has been caught up in the web of crime but yet has the ability through treatment to be corrected?

This bill would house youthful offenders in the Federal system in close proximity to adult offenders and will place rigid mandates on the States that will preclude the majority of States from receiving Federal dollars.

One study has shown that juveniles who are waived to adult court recidivate sooner than those juveniles who are retained in juvenile court and are treated.

Let me just say, Mr. Speaker, in conclusion, I want to work with the Republicans. I want to work to bring down juvenile crime. This is a bad bill. We need to support H.R. 1818 for prevention and support the missing and exploited children's reauthorization separate from H.R. 3.

Mr. Speaker, thank you for the time to speak on this suspension bill today. I strongly support the original Reauthorization of Missing and Exploited Children and the Runaway and Homeless Youth Acts. The original Senate bill S. 2073 would provide important assistance to vulnerable children and Families.

However, Republicans are attempting to jeopardize this important reauthorization by attaching the provisions of H.R. 3, the controversial Violent and Juvenile Offender Act. By attaching these provisions, Republicans are attempting to add in conference S. 10, the controversial Violent and Repeat Juvenile Offender Act, that failed to receive Senate approval. This bill would house youthful offenders in the federal system in close proximity to adult offenders and will place rigid mandates

on states that would preclude the majority of states from receiving federal dollars for juvenile justice programs.

I opposed this bill in the House once and I will oppose it here again today in this form. I oppose automatically trying any juvenile as an adult, and I believe that a juvenile court judge, not the legislature should make these decisions in a case by case basis. Furthermore, available studies show that transferring juveniles to adult court actually increases crime. One study has shown that juveniles who are waived to adult court recidivate sooner and more severely than juveniles who are retained in juvenile court who were comparable in terms of most serious offense for which the transfer was made, number of prior referrals to the juvenile justice system, most serious prior offense, age, gender and race.

For these reasons, I oppose the Republican's efforts to attach these dangerous provisions to the Senate Bill 2073. Adding H.R. 3 provisions to S. 2073 will only serve to doom the passage of S. 2073 and subvert the regular legislative process for consideration of S. 10. I urge all my colleagues to oppose the substitute version of S. 2073 on the Suspension Calendar today.

Mr. SCOTT. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Virginia (Mr. SCOTT) is recognized for 1 minute.

Mr. SCOTT. Mr. Speaker, in closing I would just like to recommend that we review the bill and would notice that the bill started off with a simple reauthorization of the National Center for Missing and Exploited Children and Runaway and Homeless Youth Act. We also had passed here legislation, H.R. 1818, a prevention bill which will protect children and also reduce crime which included the National Center and the Runaway and Homeless Youth Act. We should pass those. But unfortunately we have in this bill the addition of H.R. 3 which has the incredible result of giving children less time and increasing the crime rate with a study showing those increased crimes will be committed sooner and be more violent.

We need to vote "no" on this motion to suspend the rules and then pass the reauthorization of the National Center and the Runaway and Homeless Youth Act and then pass H.R. 1818 and forget about H.R. 3.

Mr. McCOLLUM. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to make a clarification of some things that I think people have perhaps misunderstood about this legislation. It is a combined bill. It is two bills that have already passed the House. One of them is prevention, very heavy, very good, Office of Juvenile Justice, delinquency prevention is reauthorized and a lot of good things have come out of the committee that has jurisdiction over that.

Our committee that has jurisdiction over H.R. 3 is a juvenile justice bill dealing with helping the States to improve their juvenile justice systems that I believe are broken. There is nothing in this bill, nothing whatsoever, that would require or permit the commingling of juveniles who are incarcerated with adult prisoners. That has been a debate in the past, but I want to assure the Members there is nothing in here that does that. In fact, H.R. 1818 which is part of this bill actually has provisions that would prohibit it; and H.R. 3 which is incorporated is silent on that issue because it does not deal with that subject. But there is nothing in here to commingle.

Secondly, we already have passed a bill in the past Congress but it was not all the way through, we passed it in the House and now there is an appropriations that went through last year for $230 million under H.R. 3's auspices, the same basic qualifying language, or very close to it, and every State is qualified. So to say, as I think some seem to believe, that States would not qualify under this bill for the grant program, I think, is mistaken.

Thirdly, this is not a bill to lock people up for a long period of time who are juveniles, though there is a problem with that. This is a bill designed precisely for another reason. The H.R. 3 portion of this, juvenile justice, is to help repair the broken juvenile justice system by making sure the misdemeanor crimes, the spray painting, graffiti, the writing on a wall, the running over of a parking meter, the throwing of a rock through a window, that that type of offense gets the attention that it is not getting today; that kids get consequences back into their system again so that they know when they commit these minor crimes early on that they do not go on to commit greater crimes which is unfortunately the problem now because the juvenile justice systems are overworked.

But the reality is that the result of the system being overworked is that we have more juvenile offenders who are committing violent crimes than ever before. Only 10 percent of violent juvenile offenders, those who commit murder, rape, arson and assault, receive any sort of secure confinement today. Rates of secure confinement for violent juveniles are the same as they were in 1985 and actually decreased last year. Many juveniles receive no punishment at all. Nearly 40 percent of juvenile violent offenders who came into contact with the system the last time we saw the study have had their cases dismissed and the average length of institutionalization for a juvenile who has committed a violent crime is only 353 days. To me that says the system is truly broken in the sense that we are not dealing with the violent ones properly, and we are also not dealing with the ones who are not violent which is the basic thrust of this bill.

The reality, too, is because we are not dealing with the misdemeanor miscreants in this country properly, we get older teenagers, ages 17 to 19, who are the most violent age group of all. There is more murder and robbery committed in that 18-year-old age group than any other group, and teenagers generally account for the largest portion of all violent crime in America. Throughout the next decade, the experts all tell us there is going to be a tremendous upsurge in juvenile crime if we do not do something about it because the demographics show we are going to have a lot more teenagers.

This bill is a good bill. It is a balanced bill between prevention and juvenile justice and it is an effort to put consequences back into the juvenile justice system and help the States repair it. Essentially the H.R. 3 portion of this bill is a grant program already in part implemented by the appropriators last Congress that would go on for the next three years of $500 million a year to the States to do as they see fit with that money to improve their juvenile justice systems, to hire more judges, more prosecutors, have more detention space, more probation officers, whatever they want to do, whatever they need to do, it is their choice. All they have to do to qualify essentially is to provide assurances to the Attorney General that they are punishing those early misdemeanor crimes.

I urge the adoption of this bill. It needs to be passed. It needs to be passed now.

Mr. GREENWOOD. Mr. Speaker, I rise today to support S. 2073, as amended. More than a year ago this House overwhelmingly passed H.R. 3 and H.R. 1818. H.R. 3, the Juvenile Crime Control Act of 1997, sponsored by Congressman BILL MCCOLLUM, focused on the punishment of juvenile offenders. H.R. 1818, The Juvenile Crime Control and Delinquency Prevention Act, provided a balance to punishment by focusing on prevention of juvenile delinquency. H.r. 1818 was designed to assist States and local communities to develop strategies to combat juvenile crime through a wide range of prevention and intervention programs. The Senate has yet to pass companion legislation and we have a limited number of days remaining in this session. I support the procedure we are using today to allow us to get to Conference with the Senate to produce legislation that provides both appropriate punishment for juvenile offenders and the development of intervention and prevention programs to prevent our children from becoming involved in delinquent activities.

H.R. 1818 is a bipartisan bill—it was the result of many hours of discussions between Congressmen RIGGS, MARTINEZ, SCOTT, and myself. The bill represents good policy. In developing this bill we attempted to strike a balance in dealing with children, young people who grow up and come before the juvenile justice system, and tried to recognize that some of these children, at ages 16 and 17, are already very vicious and dangerous criminals. Other children who come before the juvenile justice system are harmless and scared

and running away from abuse at home. It is an extraordinarily difficult task to create a juvenile justice system in each of the states and in each of the counties that can respond to these very, very different young people caught up in the law.

We recognized that we needed to build some flexibility into the system, enough flexibility to allow the local officials to use their own good judgement based on the realities of each situation, and yet not give them so much flexibility that harm could be done to the child. We dealt with very sensitive issues like the deinstitutionalization of status offenders, how to address the over representation of minorities in the juvenile justice system, and determining the correct balance between block granting funds to the states and keeping some strings attached.

I believe we found that balance. We have found a way to provide the additional flexibility that our local officials need, still protect society from dangerous teenagers, while protecting scared kids from overly harsh treatment in our juvenile justice system.

A few months ago I chaired a Subcommittee on Early Childhood, Youth and Families hearing on "Understanding Violent Children" for Chairman RIGGS. Most witnesses testified to the need for early intervention and prevention programs directed at students with a potential for violence. This legislation will allow for those activities.

I urge my colleagues to support this legislation.

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. 2073, as amended.

The question was taken.

Mr. SCOTT. 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.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2073.

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

There was no objection.

MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT OF 1998

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4382) to amend the Public Health Service Act to revise and extend the program for mammography quality standards, as amended.

The Clerk read as follows:

H.R. 4382

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 "Mammography Quality Standards Reauthorization Act of 1998".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 354(r)(2) of the Public Health Service Act (42 U.S.C. 263b(r)(2)) is amended in each of subparagraphs (A) and (B) by striking "1997" and inserting "2002".

(b) TECHNICAL AMENDMENTS.—Section 354(r)(2) of the Public Health Service Act (42 U.S.C. 263b(r)(2)) is amended in subparagraph (A) by striking "subsection (q)" and inserting "subsection (p)", and in subparagraph (B) by striking "fiscal year" and inserting "fiscal years".

SEC. 3. APPLICATION OF CURRENT VERSION OF APPEAL REGULATIONS.

Section 354(d)(2)(B) of the Public Health Service Act (42 U.S.C. 263b(d)(2)(B)) is amended by striking "42 C.F.R. 498 and in effect on the date of the enactment of this section" and inserting "part 498 of title 42, Code of Federal Regulations".

SEC. 4. ACCREDITATION STANDARDS.

(a) IN GENERAL.—Section 354(e)(1)(B) of the Public Health Service Act (42 U.S.C. 263b(e)(1)(B)) is amended—

(1) in clause (i), by striking "practicing physicians" each place such term appears and inserting "review physicians"; and

(2) in clause (ii), by striking "financial relationship" and inserting "relationship".

(b) DEFINITION.—Section 354(a) of the Public Health Service Act (42 U.S.C. 263b(a)) is amended by adding at the end the following:

"(8) REVIEW PHYSICIAN.—The term 'review physician' means a physician as prescribed by the Secretary under subsection (f)(1)(D) who meets such additional requirements as may be established by an accreditation body under subsection (e) and approved by the Secretary to review clinical images under subsection (e)(1)(B)(i) on behalf of the accreditation body.".

SEC. 5. CLARIFICATION OF FACILITIES' RESPONSIBILITY TO RETAIN MAMMOGRAM RECORDS.

Section 354(f)(1)(G) of the Public Health Service Act (42 U.S.C. 263b(f)(1)(G)) is amended by striking clause (i) and inserting the following:

"(i) a facility that performs any mammogram—

"(I) except as provided in subclause (II), maintain the mammogram in the permanent medical records of the patient for a period of not less than 5 years, or not less than 10 years if no subsequent mammograms of such patient are performed at the facility, or longer if mandated by State law; and

"(II) upon the request of or on behalf of the patient, transfer the mammogram to a medical institution, to a physician of the patient, or to the patient directly; and".

SEC. 6. DIRECT REPORTS TO PATIENTS.

Section 354(f)(1)(G)(ii) of the Public Health Service Act (42 U.S.C. 263b(f)(1)(G)(ii)) is amended by striking subclause (IV) and inserting the following:

"(IV) whether or not such a physician is available or there is no such physician, a summary of the written report shall be sent directly to the patient in terms easily understood by a lay person; and".

SEC. 7. SCOPE OF INSPECTIONS.

Section 354(g)(1)(A) of the Public Health Service Act (42 U.S.C. 263b(g)(1)(A)) is amended in the first sentence—

(1) by striking "certified"; and

(2) by inserting "the certification requirements under subsection (b) and" after "compliance with".

SEC. 8. DEMONSTRATION PROGRAM REGARDING FREQUENCY OF INSPECTIONS.

Section 354(g) of the Public Health Service Act (42 U.S.C. 263b(g)) is amended—

(1) in paragraph (1)(E), by inserting ", subject to paragraph (6)" before the period; and

(2) by adding at the end the following paragraph:

"(6) DEMONSTRATION PROGRAM.—

"(A) IN GENERAL.—The Secretary may establish a demonstration program under which inspections under paragraph (1) of selected facilities are conducted less frequently by the Secretary (or as applicable, by State or local agencies acting on behalf of the Secretary) than the interval specified in subparagraph (E) of such paragraph.

"(B) REQUIREMENTS.—Any demonstration program under subparagraph (A) shall be carried out in accordance with the following:

"(i) The program may not be implemented before April 1, 2001. Preparations for the program may be carried out prior to such date.

"(ii) In carrying out the program, the Secretary may not select a facility for inclusion in the program unless the facility is substantially free of incidents of noncompliance with the standards under subsection (f). The Secretary may at any time provide that a facility will no longer be included in the program.

"(iii) The number of facilities selected for inclusion in the program shall be sufficient to provide a statistically significant sample, subject to compliance with clause (ii).

"(iv) Facilities that are selected for inclusion in the program shall be inspected at such intervals as the Secretary determines will reasonably ensure that the facilities are maintaining compliance with such standards.".

SEC. 9. CLARIFICATION OF AUTHORITY TO DELEGATE INSPECTION RESPONSIBILITY TO LOCAL GOVERNMENT AGENCIES.

Section 354 of the Public Health Service Act (42 U.S.C. 263b) is amended—

(1) in subsections (a)(4), (g)(1), (g)(3), and (g)(4), by inserting "or local" after "State" each place such term appears;

(2) in the heading of subsection (g)(3), by inserting "OR LOCAL" after "STATE"; and

(3) in subsection (i)(1)(D)—

(A) by inserting "or local" after "State" the first place such term appears; and

(B) by inserting "or local agency" after "State" the second place such term appears.

SEC. 10. PATIENT NOTIFICATION CONCERNING HEALTH RISKS.

(a) REQUIREMENT.—Section 354(h) of the Public Health Service Act (42 U.S.C. 263b(h)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) PATIENT INFORMATION.—If the Secretary determines that the quality of mammography performed by a facility (whether or not certified pursuant to subsection (c)) was so inconsistent with the quality standards established pursuant to subsection (f) as to present a significant risk to individual or public health, the Secretary may require such facility to notify patients who received mammograms at such facility, and their referring physicians, of the deficiencies presenting such risk, the potential harm resulting, appropriate remedial measures, and such other relevant information as the Secretary may require.".

(b) CIVIL MONEY PENALTY.—Section 354(h)(3) of the Public Health Service Act (42 U.S.C. 263b(h)(3)), as redesignated by subsection (a)(1), is amended—

(1) by striking "and" at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

"(C) each failure to notify a patient of risk as required by the Secretary pursuant to paragraph (2), and".

(c) CONFORMING AMENDMENT.—Section 354(h)(4) of the Public Health Service Act (42 U.S.C. 263b(h)(4)), as redesignated by subsection (a)(1), is amended by striking "paragraphs (1) and (2)" and inserting "paragraphs (1) through (3)".

SEC. 11. REQUIREMENT TO COMPLY WITH INFORMATION REQUESTS.

Section 354(i)(1)(C) of the Public Health Service Act (42 U.S.C. 263b(i)(1)(C)) is amended—

(1) by inserting after "Secretary" the first place such term appears the following: "(or of an accreditation body approved pursuant to subsection (e))"; and

(2) by inserting after "Secretary" the second place such term appears the following: "(or such accreditation body or State carrying out certification program requirements pursuant to subsection (q))".

SEC. 12. ADJUSTMENT TO SEVERITY OF SANCTIONS.

Section 354(i)(2)(A) of the Public Health Service Act (42 U.S.C. 263b(i)(2)(A)) is amended by striking "makes the finding" and all that follows and inserting the following: "has reason to believe that the circumstance of the case will support one or more of the findings described in paragraph (1) and that—

"(i) the failure or violation was intentional; or

"(ii) the failure or violation presents a serious risk to human health.".

SEC. 13. TECHNICAL AMENDMENT.

Section 354(q)(4)(B) of the Public Health Service Act (42 U.S.C. 263b(q)(4)(B)) is amended by striking "accredited" and inserting "certified".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. BILIRAKIS).

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

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

There was no objection.

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

Mr. Speaker, without question the Mammography Quality Standards Act of 1992 has been an overwhelming success. In May my Subcommittee on Health and Environment heard extensive testimony regarding the Act from program experts and patient groups. Officials from the General Accounting Office reported that the Act has increased mammography facilities' adherence to acceptable quality assurance standards, thus improving mammography services. Before it took effect, 11 percent of facilities tested were unable to pass image quality tests, and now the nationwide figure is 2 percent.

Screening mammography is currently the most effective technique for early detection of breast cancer. This procedure can identify small tumors and breast abnormalities up to two years before they can be detected by touch. More than 90 percent of these early stage cancers can be cured, according to the Food and Drug Administration.

Today, the House is considering legislation to reauthorize this most important act. Last November, the Senate passed its own reauthorization bill by unanimous consent, without discussion or amendment. During the course of my subcommittee's hearing in May, however, we learned that some important issues were not addressed in the Senate bill.

The measure before us, the Mammography Quality Standards Reauthorization Act of 1998, includes language approved by the full Committee on Commerce to address these concerns.

H.R. 4382 differs in two major respects from the Senate-passed bill. First, it provides for direct patient notification of all mammography examinations, in language that is easy for patients to understand. Second, it permits the Food and Drug Administration to conduct a demonstration project to address the feasibility of inspecting high quality mammography facilities at less than annual intervals.

The need, Mr. Speaker, for this legislation is clear. Breast cancer is the most commonly diagnosed nonskin cancer and the second leading cause of cancer deaths among women. Tragically, experts predict that during this decade alone, as many as 1.8 million women will be diagnosed with breast cancer, and 500,000 will die from it.

There is a ray of hope, however, in the use of mammography for early detection of breast cancer. The probability of survival and the avoidance of mastectomy increases significantly when the disease is discovered in its early stages.

Today, the House, Mr. Speaker, can continue to ensure safe and accurate mammography services for women by approving this important bipartisan legislation. I join the gentleman from Virginia (Mr. BLILEY) full committee chairman, the gentleman from Michigan (Mr. DINGELL) ranking member, and the gentleman from Ohio (Mr. BROWN) ranking member of the subcommittee in urging Members' support for passage of the Mammography Quality Standards Reauthorization Act.

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

□ 1500

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4382, the Mammography Quality Standards Reauthorization Act of 1998. Breast cancer is the second leading cause of cancer deaths in American women. According to the Department of Health and Human Services the incidence of breast cancer has increased by approximately 1 percent per year since the early 1970's. HHS estimates that 44,000 women died from breast cancer last year, more than 180,000 new cases of breast cancer were diagnosed. According to the same HHS report nearly half a million women will die from breast cancer in the 1990's, more than a million and a half new cases will be diagnosed during this same period of time. They are our mothers, our spouses, our sisters, our daughters and our friends.

In 1994 I founded in response to breast cancer rates and incidence being much higher in northeast Ohio than in many other parts of the Nation, I founded the Northeast Ohio Breast Cancer Task Force to increase awareness of the value of early detection of breast cancer. Over and over the task force members have stressed the value of mammographies in this process.

Mammography is considered to be the most effective method for early detection of breast cancer. In women over 50 the detection rate can exceed 90 percent resulting in a decrease in breast cancer deaths among women as much as 30 percent. The Mammography Quality Standards Act was first enacted 6 years ago to ensure that the mammographies performed at approximately 10,000 facilities throughout the United States are safe and reliable.

The GAO stated that the MQSA increased the quality of mammography services while not decreasing access to them. The key to MQSA is its system of annual inspections of mammography facilities by FDA-approved accreditation bodies. These comprehensive examinations and mammography facility equipment and personnel assure the mammographies are of the highest quality. These inspections are funded by using a user fee, so our action is both timely and necessary to the smooth continuation of this important and successful program.

The bill before us today makes some changes and, I believe, improvements in the existing statute.

First, H.R. 4382 contains a provision requiring direct patient notification of the results of mammography test results. Under the current program patients who are self-referred, meaning they were not referred to the mammography facility by a physician, are already notified of the test results directly by the facility. Our hearing earlier this year in the subcommittee of the gentleman from Florida (Mr. BILIRAKIS) showed that some facilities voluntarily directly notify their patients in addition to notifying the referring physician to ensure the patient receives the test results in a timely manner.

This bill is a common sense extension of direct patient notification to all mammography facility patients, self-referred and physician-referred. Good practice guidelines published by the Agency for Health Care Policy and Research spell out in detail the manner for providing direct patient notification. This is a good addition to the MQSA and one which is supported by all breast cancer patient advocacy organizations.

Second, H.R. 4382 authorizes a limit on demonstration project to determine whether inspections may be required less than annually for those facilities with excellent records. Currently violations of standards are ranked into three levels according to their severity with Level One being the most serious, Level Three being the least serious. It is intended that only facilities with minor violations or clean records may qualify for the demonstration program.

Also the authorization is timed such that facilities must compile an excellent record under HHS final rules, not the less rigorous interim rules currently in place. This is an authorization, not a requirement. It is intended that HHS not approve any demonstration program unless it is satisfied that patient safety will not be compromised.

Mr. Speaker, I congratulate my colleagues who have worked hard to make this day happen. I particularly want to thank the chairman of the Subcommittee on Health and the Environment, the gentleman from Florida (Mr. BILIRAKIS) thank the gentleman from Virginia (Mr. BLILEY) and the gentleman from Michigan (Mr. DINGELL), the full committee chair and ranking member, the gentlewoman from Colorado (Ms. DEGETTE) who is sitting here today for her good work in this, and I also want to thank the majority counsel, Mark Wheat, and the democratic staff, John Ford in particular, and Kevin Brennan from my office for their tireless work.

I urge my colleagues' support of this legislation.

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

Mr. BILBRAY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. BLILEY) the chairman of the full Committee on Commerce.

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

Mr. Speaker, I am pleased that the House will pass H.R. 4382, the Mammography Quality Standards Reauthorization Act of 1998 today. The bill will assure the safety, accuracy and overall quality in mammography services for the early detection of breast cancer. I want to thank the ever diligent chairman of the Subcommittee on Health and Environment, the gentleman from Florida (Mr. BILIRAKIS) the ranking minority member of the full committee, the gentleman from Michigan (Mr. DINGELL), the ranking minority member of the subcommittee, the gentleman from Ohio (Mr. BROWN) for their hard work and close cooperation to make this bill a reality today.

Mr. Speaker, breast cancer is the most common cancer among women. Experts tell us each year that 46,000 women die of this disease. We must remember that these women are not mere numbers; they are mothers, daughters, friends and colleagues, and even my own wife. The fact that 1 in 9 women will develop breast cancer at some point in their lives compels us to action. We must act now.

Mr. Speaker, the front line against breast cancer is early detection through mammography, a procedure which can identify small tumors and breast abnormalities up to 2 years before they can be detected by touch. The FDA, the GAO, the College of Radiology and breast cancer patients themselves all agree that mammography provides the best source of detection for the diagnosis and treatment of this deadly disease.

Women who seek mammograms, however, must be assured that their results will be accurate and not misleading. The bill will help to prevent mammograms of poor quality which instill false sense of security in the patient who may be in the early stages of breast cancer.

H.R. 4382 improves current law in two key ways. First, H.R. 4382 provides for direct patient notification, in layman's terms, of all mammography examinations so that women are fully informed of their results. As the August 4 joint letter of endorsement from the American Cancer Society the National Alliance of Breast Cancer Organizations and the Susan G. Coleman Breast Cancer Foundation states, quote:

Studies have shown that women believe their mammography results are normal if they are not contacted after their examination. An increasing number of mammography facilities have begun to report both normal and abnormal findings directly to women as well as her referring physician without disrupting the relationships with her referring provider.

Second, 4382 authorizes the Food and Drug Administration to conduct a demonstration project to determine the merits of inspecting mammography centers of excellence less frequently than once a year so that inspection resources can be freed up to monitor other mammography facilities through it that need greater attention.

Passage of this bipartisan legislation is a critical step in the war on breast cancer. We have already witnessed the success of the Mammography Quality Standards Act of 1992, and I am hopeful that today we will be able to reauthorize the act and continue to improve our efforts to save the lives of many women.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding this time to me, and I want to thank him and the Chair of the subcommittee for their hard work on this very important bill, a bill that had the very special concern of the Congressional Women's Caucus as well.

Mr. Speaker, there was a time when talk of mammograms was for the "cognizentti" the most conscious of women. Today mammography has become the primary engine for a virtual revolution in the battle against breast cancer. Women of all backgrounds and income groups are coming forward in large numbers to take advantage of mammography.

Why has mammography become so important and so widely used? Part of the reason is that women are now convinced that the machinery is safe and reliable and that the people who in fact implement that procedure know what they are doing. The Mammography Quality Standards Act is at the center of this confidence of women and their families.

The bill before us would reauthorize the act to 2002. It is important to have it reauthorized every few years because of changes in science. We who are in the Women's Congressional Caucus, virtually all the women in Congress, are particularly grateful for this bill because we choose this bill among seven as our priority must-pass bills. Already this body has passed four of the seven must-pass bills, provisions of the Violence Against Women Act, the bill that allows Federal employees choices in contraception; a bill that will set up a commission on women and minorities in science and technology, and this most important mammography standards act.

The act is critical because untrained and unqualified physicians and technicians may be people who misread mammograms, may cause more problems than they solve. It is bad enough to suspect having this disease, but false positives are quite intolerable. The bill assures us that equipment and personnel will be FDA approved.

Mr. Speaker, the Women's Caucus had its own hearings this year on tamoxifen, this great new discovery that looks as if it can prevent and cure cancer, but no miracle drugs can be effective without reliable detection. Today's legislation will save lives, it fulfills an important obligation of the 105th Congress. On behalf of the Congressional Women's Caucus, I want to extend my appreciation for those who have worked so hard to bring this bill forward.

Mr. BILBRAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise in very strong support of H.R. 4382, the Mammography Quality Standards Reauthorization Act. My special thanks to the gentleman from Florida (Mr. BILILEY), to the subcommittee chairman, the gentleman from Florida (Mr. BILIRAKIS) and for the ranking members of the full committee, the gentleman from Michigan (Mr. DINGELL) and the subcommittee, the gentleman from Ohio (Mr. BROWN). I also want to commend the gentlewoman from Connecticut (Mrs. JOHNSON). She has worked so hard to ensure passage of this very important legislation, and I want to reiterate the fact that this bill has been one of the list of legislative priorities for the Congressional Caucus for Women's Issues co-chaired by the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentlewoman from the District of Columbia (Ms. NORTON). I am proud to be a co sponsor of this bill which enjoys strong bipartisan support in the Women's Caucus and, as I am certain in, the Congress as a whole.

As my colleagues know, a recent GAO report indicates that facility compliance has expanded significantly under the current mammography facility inspection program. During the first year inspections in more than one quarter of the facilities had significant violations. However during the second year inspection, the number of such violations had dropped to about 10 percent. At the same time, however, GAO found inconsistencies in the way the inspections had been conducted and a lack of procedures to ensure that the expeditious reporting and correction of violations.

Now H.R. 4382 expands the protections in the current law, and it will help us to address some of these concerns.

We have come a long way over the past decade as mammography screening technologies have steadily improved. Indeed exciting progress is being made through the transfer have imaging technology from the defense, space, intelligence and computer graphics fields to improving the early detection of breast cancer. We in Congress must do everything possible to encourage the current partnership among HHS, the Department of Defense, the CIA, Department of Commerce, NASA and other Federal agencies. We must also ensure the collaborations between government and industry are encouraged for the development of new imaging technologies. As we make these strides in screening technologies, it is imperative that facilities and personnel performing these procedures provide high quality services.

This reauthorization bill is also very timely as Medicare coverage of mammography screening has been expanded from every 2 years to annual coverage as a result of last year's Balanced Budget Act, and we all deserve a pat on the back for that. It is incumbent upon us to ensure that high quality screening is available to all women regardless of where they live, their age and their economic circumstances.

□ 1515

This legislation will further this goal by providing additional protections beyond the current law.

Mr. Speaker, I urge my colleagues to vote for this critical legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, I rise in strong support of H.R. 4382, the Mammography Quality Standards Reauthorization Act.

I want to take a moment to thank the chairman and ranking member of the Subcommittee on Health and Environment for their steadfast commitment to reauthorizing and improving this act in such an expeditious and thoughtful manner. I am particularly grateful to the subcommittee chairman the gentleman from Florida (Mr. BILIRAKIS) for hearing a request from the gentleman from Ohio (Mr. BROWN) and me in July to ensure that the MQSA included the provision we cared so much about on direct patient notification.

Mr. Speaker, few public health initiatives that we have undertaken in this Congress are as vital to American women as the MQSA. Before this test, there were no Federal standards for labs, technicians, physicians and quality controls. Women were subject to inconsistent and nonuniform regulations, depending on what State they lived in. Women were literally putting their health and their lives at risk when they obtained mammograms from unregulated or poorly regulated facilities.

Reauthorizing and strengthening the MQSA has added importance in 1998. Breast cancer today remains the second leading cause of cancer deaths among women. Mr. Speaker, 44,000 women died from breast cancer in 1997, and 180,000 new cases of the disease were reported. In this decade alone, 1.8 million women will be diagnosed with breast cancer, and 500,000 of them will die from it. Congress must continue to help American women attack this devastating disease in its early stages.

We know that surviving breast cancer and avoiding mastectomy depends on early discovery of the disease. But of course, mammography as a tool is only as good as the equipment used to detect the cancer. Therefore, it is absolutely critical that we improve our ability to detect breast cancer by improving the safety, accuracy and overall quality of mammography services.

Strict and frequent certification of mammography facilities is essential to this program's success. I believe that the demonstration project in the bill which examines the feasibility of inspecting high-performing mammography facilities on a less than annual basis is thoughtfully designed and sufficiently limited to protect the best interests of patients. Nevertheless, I want to urge my colleagues to be cautious about expanding this demonstration project until we have more information. MQSA itself has only been fully operational for 3 years, and we want to make sure whatever changes we make still protect the lives and health of women.

As I said earlier, I am very pleased that the chairman and ranking member worked cooperatively to include a provision on direct patient notification. I personally have met too many women who have had mammograms and never received the results. Whether it be physician failure, whether it be clinic failure, they never got a copy of the results. Unfortunately and too often, tragically, women who do not hear anything assume no news is good news. We are making an extremely valuable and potentially life-threatening improvement to MQSA today by including written notification to patients.

Mr. Speaker, I am proud of the Committee on Commerce's hard work on this bill and its commitment to reach a consensus on this vital piece of legislation. I believe while relatively simple, this bill is one of our most important achievements of this Congress, and it will save millions of lives and the health of millions of women.

Mr. BILIRAKIS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), who has already been recognized as being one of the real motivators behind this legislation.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise today in support of this legislation to reauthorize the Mammogram Quality Standards Act. I want to thank the gentleman from Florida (Mr. BILIRAKIS) and his subcommittee for their thoughtful work on this legislation and for significant improvements in this bill over current law.

This has been a priority of the Congresswomen's Caucus, and we appreciate the commitment of the gentleman from Florida (Mr. BILIRAKIS) for reauthorization and his commitment to improving current law.

The Mammogram Quality Standards Act has given women and their health care providers the assurance that they will receive high quality mammogram services, services meeting the standards set by the National Cancer Institute mammography screening guidelines. Early detection is still our best hope in the war against cancer, and high quality mammograms are still our best tool for early detection of breast cancer.

Prior to the implementation of the Mammogram Quality Standards Act, there was a long history of public and

professional concern over the safety and quality of mammogram services. The American Cancer Society and the General Accounting Office found a wide range of image, quality and patient radiation doses from dedicated mammography equipment. In addition, FDA surveys found wide variations in image quality and radiation dosages from site-to-site, and even day-to-day. These studies and surveys confirm the need for national compliance standards.

The MQSA established the first comprehensive quality standards for mammography. Before these standards, the burden was on a woman and the health care providers to determine what health and safety standards applied in their State or geographic area. Only 11 States had comprehensive quality standards, so most women could not be assured that their mammograms were administered safely or interpreted correctly. Facing those facts, it is no wonder that mammograms were not effectively promoted to women who could benefit from early detection.

The Mammogram Quality Safety Act has changed this rather sobering picture. Over the past 3 years, the quality of mammography has improved dramatically. According to a GAO report issued last October, the Mammogram Quality Standards Act has increased mammography facilities' adherence to accepted quality standards which has, in turn, had a positive effect on mammography services. Because of the Mammogram Quality Standards Act, almost all of the Nation's 10,000 facilities have been inspected and accredited. This process has a direct impact on the quality of mammography, as evidenced by the fact that nearly all of the facilities are now passing image quality tests as part of the inspection process.

The Committee on Commerce's bill, under the leadership of the gentleman from Florida (Mr. BILIRAKIS), represents an advance over current law. It gives women an additional protection: the assurance that they will receive direct notification of their mammogram results. This protection is critical to ensure that women do not miss the opportunity for an early diagnosis by assuming that no news is good news, when no news could be bad news.

Mr. Speaker, this addition builds on the guarantee in H.R. 4832 based on a provision in my legislation that women can access an original copy of their mammogram and are notified if a facility has failed its Mammogram Quality Standards Act inspection. I now hope that the Senate acts quickly on the amended House legislation, so that we can reauthorize this legislation before Congress adjourns. We must send the message to women that Congress is taking action to protect the quality of their health care, and that, in fact, we are modernizing current law to keep abreast of our improved knowledge of how to prevent cancer, how to identify it early, and how to assure that women have access to high quality health care services in our Nation.

Mr. BROWN of Ohio. Mr. Speaker, I would inquire of the gentleman from Florida if he has any more speakers.

Mr. BILIRAKIS. Mr. Speaker, I too do not have any further requests for time.

At this point I yield myself such time as I may consume to again express what can be accomplished when people are willing to sit down around a table and give and take, if you will, and to work together. I want to add to the gentleman's previous comments regarding gratitudes to the chairman of the full committee and the ranking member of the full committee, as well as the members of the staff, and the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentlewoman from Colorado (Ms. DEGETTE), who was really quite a significant player in the workup of this legislation.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume to echo the words of the gentleman from Florida, and I ask for support of the bill.

Mr. DINGELL. Mr. Speaker, I rise in strong support of H.R. 4382, the Mammography Quality Standards Reauthorization Act of 1998. I am proud to have been one of the authors of the Mammography Quality Standards Act (MQSA). Breast cancer remains one of the leading causes of death in women, and its victims are our mothers, sisters, spouses, daughters, or friends. I hope that we will quickly reauthorize the MQSA so that it will continue to provide the incalculable benefit of early detection, with the hope of successful treatment.

Those who administer the MQSA, the Food and Drug Administration's Center of Devices and Radiological Health, and those who benefit from it, patients represented by organizations such as the National Breast Cancer Coalition, the National Alliance of Breast Cancer Organizations, and the American Cancer Society, have judged the MQSA a success and support its reauthorization.

GAO recently reported that the MQSA "has had a positive impact on the quality of mammography services and no effect on access to them." There has been a dramatic decline in facilities that failed to meet the interim regulations. FDA has estimated that the MQSA's benefits have greatly exceeded its costs. Of course, the benefits of early diagnosis and treatment are priceless to patients and their family and friends.

The bill before us contains two important new provisions: First, there is direct patient notification for all mammography patients. Second, it authorizes a demonstration program for less than annual inspections for facilities with excellent compliance records.

Direct patient notification is already provided for self-referred patients, as well as voluntarily by a growing number of facilities in response to widespread patient support. Direct patient notification is in addition to, and not in lieu of, the notification a mammography facility provides to the referring physician. This is an important safeguard. It ensures that patients have the information they need in a timely fashion so that they can take any additional steps warranted by the test. Guidelines promulgated by the Agency for Health Care Policy and Research contain sample communications to patients and other safeguards to assure that direct patient notification is done in a timely, accurate, and sensitive manner. As I noted, direct patient notification is provided today for self-referred patients and for many, many others. The provision in the bill simply extends this to *all* patients of mammography services facilities.

The bill's authorization of a carefully limited demonstration program for less than annual inspections of facilities with excellent compliance records is intended to be carried out at the discretion of the Secretary of HHS under criteria that assure no compromise in patient safety. The demonstration must occur after facilities have compiled a compliance record under the final regulations which have yet to go into effect, not the interim standards in force today.

Mr. Speaker, the Senate has already passed a MQSA reauthorization bill that is somewhat different than the bill before us today. I would like to think that we took that body's product and improved upon it. The bill before us today is endorsed by the major breast cancer patient groups. I fervently hope that we will reauthorize this law this year so that the excellent progress of the MQSA can continue.

Finally, Mr. Speaker, I wish to congratulate my colleagues whose work made this day possible. I especially want to note the efforts of the distinguished Chairman of the Subcommittee on Health and Environment, Mr. BILIRAKIS, as well as the Ranking Member of that Subcommittee, Mr. BROWN. Many other members with passionate and longstanding interests in the MQSA and related issues have also worked hard and I note particularly the bipartisan efforts of my colleagues Representatives NORTON and NANCY JOHNSON.

Ms. DELAURO. Mr. Speaker, as a cancer survivor, I am proud to join my colleagues in expressing my support for the Mammography Quality Standards Reauthorization Act.

This bill improves the high national standards for mammography. It requires breast cancer screening centers to use only radiology technologists and equipment designed for mammography, and to hire only qualified physicians to analyze mammograms. It also requires facility inspections by qualified inspectors to ensure that Health and Human Service mammography standards are adhered to.

The women who will benefit from this legislation are our neighbors, our colleagues, our kids' teachers, the women we stand in line with at the store. Early detection truly gives women a fighting chance against cancer. That's why enforcing the quality standards for a mammograms is essential to winning the battle.

I would also like to take this opportunity to honor the women who are bravely fighting this deadly disease right now, to remember those we loved who have lost that fight, and to renew our commitment to funding a cure.

Many of us have already won the fight of our lives. With the help of early detection we beat a cancer diagnosis. Now we have an obligation to help breast cancer patients win their fights.

Thank you again for the opportunity to speak on this important issue that touches the lives of so many American women and their families.

Mr. RILEY. Mr. Speaker, I rise today in support of H.R. 4382, the Mammography Quality Standards Reauthorization Act, which establishes national, uniform standards for mammography. Mammograms are universally recognized as the best chance of discovering the presence of breast cancer at its earliest, most treatable stages. In fact, mammograms can detect breast cancer up to two years before it can be found through self-examination. When breast cancer is found and treated early, a woman has more treatment options and a good chance of complete recovery. Thus, it is important to detect breast cancer as early as possible.

According to the American Cancer Society, it is estimated this year, that 178,700 women will be diagnosed with breast cancer, and 43,500 women will die because of this terrible disease. These women are mothers, wives, daughters, sisters, friends, and neighbors.

We do not know what causes breast cancer, nor can we cure the disease at this time. We do know, however, that early detection and prompt treatment, including mammography screening, represent a woman's best chance of discovering the presence at its earliest, most treatable stages. I urge my colleagues to support H.R. 4382.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 4382, as amended.

The question was taken.

Mr. BILIRAKIS. 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.

GLACIER BAY NATIONAL PARK BOUNDARY ADJUSTMENT ACT OF 1998

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3903) to provide for an exchange of lands near Gustavus, Alaska, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3903

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 "Glacier Bay National Park Boundary Adjustment Act of 1998".

SEC. 2. LAND EXCHANGE AND WILDERNESS DESIGNATION.

(a) IN GENERAL.—(1) Subject to conditions set forth in subsection (c), if the State of Alaska, in a manner consistent with this Act, offers to transfer to the United States the lands identified in paragraph (4) in exchange for the lands identified in paragraph (3), selected from the area described in section 3(b)(1), the Secretary of the Interior (in this Act referred to as the "Secretary") shall complete such exchange no later than 6 months after the issuance of a license to Gustavus Electric Company by the Federal Energy Regulatory Commission (in this Act referred to as "FERC"), in accordance with this Act. This land exchange shall be subject to the laws applicable to exchanges involving lands managed by the Secretary as part of the National Park System in Alaska and the appropriate process for the exchange of State lands required by State law.

(2) The lands to be conveyed to the United States by the State of Alaska shall be determined by mutual agreement of the Secretary and the State of Alaska. Lands that will be considered for conveyance to the United States pursuant to the process required by State law are lands owned by the State of Alaska in the Long Lake area within Wrangell-St. Elias National Park and Preserve, or other lands owned by the State of Alaska.

(3) If the Secretary and the State of Alaska have not agreed on which lands the State of Alaska will convey by a date not later than 6 months after a license is issued pursuant to this Act, the United States shall accept, within 1 year after a license is issued, title to land having a sufficiently equal value to satisfy State and Federal law, subject to clear title and valid existing rights, and absence of environmental contamination, and as provided by the laws applicable to exchanges involving lands managed by the Secretary as part of the National Park System in Alaska and the appropriate process for the exchange of State lands required by State law. Such land shall be accepted by the United States, subject to the other provisions of this Act, from among the following State lands in the priority listed:

COPPER RIVER MERIDIAN

(A) T.6 S., R. 12 E., partially surveyed, Sec. 5, lots 1, 2, and 3, NE¼, S½NW¼, and S½. Containing 617.68 acres, as shown on the plat of survey accepted June 9, 1922.

(B) T.6 S., R. 11 E., partially surveyed, Sec. 11, lots 1 and 2, NE¼, S½NW¼, SW¼, and N½SE¼; Sec. 12; Sec. 14, lots 1 and 2, NW¼NW¼. Containing 838.66 acres, as shown on the plat of survey accepted June 9, 1922.

(C) T.6 S., R. 11 E., partially surveyed, Sec. 2, NW¼NE¼ and NW¼. Containing 200.00 acres, as shown on the plat of survey accepted June 9, 1922.

(D) T.6 S., R. 12 E., partially surveyed, Sec. 6. lots 1 through 10, E½SW¼ and SE¼. Containing approximately 529.94 acres, as shown on the plat of survey accepted June 9, 1922.

(4) The lands to be conveyed to the State of Alaska by the United States under paragraph (1) are lands to be designated by the Secretary and the State of Alaska, consistent with sound land management principles, based on those lands determined by FERC with the concurrence of the Secretary and the State of Alaska, in accordance with section 3(b), to be the minimum amount of land necessary for the construction and operation of a hydroelectric project.

(5) The time periods set forth for the completion of the land exchanges described in this Act may be extended as necessary by the Secretary should the processes of State law or Federal law delay completion of an exchange.

(6) For purposes of this Act, the term "land" means lands, waters, and interests therein.

(b) WILDERNESS.—(1) To ensure that this transaction maintains, within the National Wilderness Preservation System, approximately the same amount of area of designated wilderness as currently exists, the following lands in Alaska shall be designated as wilderness in the priority listed, upon consummation of the land exchange authorized by this Act and shall be administered according to the laws governing national wilderness areas in Alaska:

(A) An unnamed island in Glacier Bay National Park lying southeasterly of Blue Mouse Cove in sections 5, 6, 7, and 8, T. 36 S., R. 54 E., CRM, and shown on United States Geological Survey quadrangle Mt. Fairweather (D–2), Alaska, containing approximately 789 acres.

(B) Cenotaph Island of Glacier Bay National Park lying within Lituya Bay in sections 23, 24, 25, and 26, T. 37 S., R. 47 E., CRM, and shown on United States Geological Survey quadrangle Mt. Fairweather (C–5), Alaska, containing approximately 280 acres.

(C) An area of Glacier Bay National Park lying in T. 31. S., R. 43 E and T. 32 S., R. 43 E., CRM, that is not currently designated wilderness, containing approximately 2,270 acres.

(2) The specific boundaries and acreage of these wilderness designations may be reasonably adjusted by the Secretary, consistent with sound land management principles, to approximately equal, in sum, the total wilderness acreage deleted from Glacier Bay National Park and Preserve pursuant to the land exchange authorized by this Act.

(c) CONDITIONS.—Any exchange of lands under this Act may occur only if—

(1) following the submission of a complete license application, FERC has conducted economic and environmental analyses under the Federal Power Act (16 U.S.C. 791–828) (notwithstanding provisions of that Act and the Federal regulations that otherwise exempt this project from economic analyses), the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370), and the Fish and Wildlife Coordination Act (16 U.S.C. 661–666), that conclude, with the concurrence of the Secretary of the Interior with respect to subparagraphs (A) and (B), that the construction and operation of a hydroelectric power project on the lands described in section 3(b)—

(A) will not adversely impact the purposes and values of Glacier Bay National Park and Preserve (as constituted after the consummation of the land exchange authorized by this section);

(B) will comply with the requirements of the National Historic Preservation Act (16 U.S.C. 470–470w); and

(C) can be accomplished in an economically feasible manner;

(2) FERC held at least one public meeting in Gustavus, Alaska, allowing the citizens of Gustavus to express their views on the proposed project;

(3) FERC has determined, with the concurrence of the Secretary and the State of Alaska, the minimum amount of land necessary to construct and operate this hydroelectric power project; and

(4) Gustavus Electric Company has been granted a license by FERC that requires Gustavus Electric Company to submit an acceptable financing plan to FERC before project construction may commence, and the FERC has approved such plan.

SEC. 3. ROLE OF FERC.

(a) LICENSE APPLICATION.—(1) The FERC licensing process shall apply to any application submitted by Gustavus Electric Company to the FERC for the right to construct and operate a hydropower project on the lands described in subsection (b).

(2) FERC is authorized to accept and consider an application filed by Gustavus Electric Company for the construction and operation of a hydropower plant to be located on lands within the area described in subsection (b), notwithstanding section 3(2) of the Federal Power Act (16 U.S.C. 796(2)). Such application must be submitted within 3 years after the date of the enactment of this Act.

(3) FERC will retain jurisdiction over any hydropower project constructed on this site.

(b) ANALYSES.—(1) The lands referred to in subsection (a) of this section are lands in the State of Alaska described as follows:

COPPER RIVER MERIDIAN

Township 39 South, Range 59 East, partially surveyed, Section 36 (unsurveyed), SE¼SW¼, S½SW¼SW¼, NE¼SW¼, W½W½NW¼SE¼, and S½SE¼NW¼. Containing approximately 130 acres.

Township 40 South, Range 59 East, partially surveyed, Section 1 (unsurveyed), NW¼, SW¼, W½SE¼, and SW¼SW¼NE¼, excluding U.S. Survey 944 and Native allotment A–442; Section 2 (unsurveyed), fractional, that portion lying above the mean high tide line of Icy Passage, excluding U.S. Survey 944 and U.S. Survey 945; Section 11 (unsurveyed), fractional, that portion lying above the mean high tide line of Icy Passage, excluding U.S. Survey 944; Section 12 (unsurveyed), fractional, NW¼NE¼, W½NW¼SW¼NE¼, and those portions of NW¼ and SW¼ lying above the mean high tide line of Icy Passage, excluding U.S. Survey 944 and Native allotment A–442. Containing approximately 1,015 acres.

(2) Additional lands and acreage will be included as needed in the study area described in paragraph (1) to account for accretion to these lands from natural forces.

(3) With the concurrence of the Secretary and the State of Alaska, the FERC shall determine the minimum amount of lands necessary for construction and operation of such project.

(4) The National Park Service shall participate as a joint lead agency in the development of any environmental document under the National Environmental Policy Act of 1969 in the licensing of such project. Such environmental document shall consider both the impacts resulting from licensing and any land exchange necessary to authorize such project.

(c) ISSUANCE OF LICENSE.—(1) A condition of the license to construct and operate any portion of the hydroelectric power project shall be FERC's approval, prior to any commencement of construction, of a finance plan submitted by Gustavus Electric Company.

(2) The National Park Service, as the existing supervisor of potential project lands ultimately to be deleted from the Federal reservation in accordance with this Act, waives its right to impose mandatory conditions on such project lands pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 797(e)).

(3) FERC shall not license or relicense the project, or amend the project license unless it determines, with the Secretary's concurrence, that the project will not adversely impact the purposes and values of Glacier Bay National Park and Preserve (as constituted after the consummation of the land exchange authorized by this Act). Additionally, a condition of the license, or any succeeding license, to construct and operate any portion of the hydroelectric power project shall require the licensee to mitigate any adverse effects of the project on the purposes and values of Glacier Bay National Park and Preserve identified by the Secretary after the initial licensing.

(4) A condition of the license to construct and operate any portion of the hydroelectric power project shall be the completion, prior to any commencement of construction, of the land exchange described in this Act.

SEC. 4. ROLE OF SECRETARY OF THE INTERIOR.

(a) SPECIAL USE PERMIT.—Notwithstanding the provisions of the Wilderness Act (16 U.S.C. 1133–1136), the Secretary shall issue a special use permit to Gustavus Electric Company to allow the completion of the analyses referred to in section 3. The Secretary shall impose conditions in the permit as needed to protect the purposes and values of Glacier Bay National Park and Preserve.

(b) PARK SYSTEM.—The lands acquired from the State of Alaska under this Act shall be added to and administered as part of the National Park System, subject to valid existing rights. Upon completion of the exchange of lands under this Act, the Secretary shall adjust, as necessary, the boundaries of the affected National Park System units to include the lands acquired from the State of Alaska; and adjust the boundary of Glacier Bay National Park and Preserve to exclude the lands transferred to the State of Alaska under this Act. Any such adjustment to the boundaries of National Park System units shall not be considered in applying any acreage limitations under section 103(b) of Public Law 96–487.

(c) WILDERNESS AREA BOUNDARIES.—The Secretary shall make any necessary modifications or adjustments of boundaries of wilderness areas as a result of the additions and deletions caused by the land exchange referenced in section 2. Any such adjustment to the boundaries of National Park System units shall not be considered in applying any acreage limitations under section 103(b) of Public Law 96–487.

(d) CONCURRENCE OF THE SECRETARY.—Whenever in this Act the concurrence of the Secretary is required, it shall not be unlawfully withheld or unreasonably delayed.

SEC. 5. APPLICABLE LAW.

The authorities and jurisdiction provided in this Act shall continue in effect until such time as this Act is expressly modified or repealed by Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 3903 authorizes a conditional land exchange between the State of Alaska and the United States.

The purpose of the exchange is to enable the construction and operation of a small, 800 kilowatt hydroelectric project for the community of Gustavus, which is located in Southeast Alaska on the edge of Glacier Bay National Park. If feasible, the project would also provide low-cost, clean power to the National Park Service.

The committee held a hearing on H.R. 3903 on June 10, 1998. By a voice vote, the bill was ordered reported, with an amendment, on July 22.

This legislation completes several years of negotiation with the Gustavus Electric Company, the State of Alaska, the National Park Service, and local environmental groups. I would like to thank the gentleman from Virginia (Mr. BLILEY) and the work of the Committee on Commerce in expediting House consideration of H.R. 3903.

The need from the bill arises from Gustavus's reliance on diesel generation for its power, which presents air emission considerations, high energy costs, and risks of fuel spills during shipment. To avoid the drawbacks of using diesel fuel, Gustavus Electric Company studied alternative power sources. Hydroelectricity generating at a nearby area called Falls Creek was identified as the city's best option. I believe it also make sense for the National Park Service, too, because the agency relies on a separate set of diesel generations there.

The problem with constructing a hydro-facility is that Falls Creek, the proposed site, is currently located inside the boundary of designated wilderness of Glacier Bay National Park, where such a project is not allowed. To solve this problem, H.R. 3903 authorizes a land exchange that will put the site in State ownership, redraw the park and wilderness boundary, and enable the United States to acquire lands of equal value in Alaska.

When this land exchange was originally proposed, there was concern expressed by the administration and some Alaskans over the potential environmental impact of a hydro project in Glacier Bay National Park. I have never understood why anyone would object to hydropower when the alternative is to continue burning diesel fuel at a national park. Regardless, these concerns have been put to rest.

In the interest of moving forward, I agreed to make the land exchange conditional on a determination by the Federal Energy Regulatory Commission that a hydro facility will have no adverse impact on the Park. In other words, there will be no land exchange, and therefore, no project, if FERC finds there will be any harm.

The bill under consideration today has a minor amendment to the reported bill. The amendment strikes section 4(d) of the reported bill. This action is technical in nature only.

Mr. Speaker, at this time I include for the RECORD correspondence relative to this bill.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, September 8, 1998.

Hon. DON YOUNG,
Chairman, House Committee on Resources, Washington, DC.

DEAR DON: On July 22, 1998 the Committee on Resources ordered reported H.R. 3903, the

Glacier Bay National Park Boundary Adjustment Act of 1998. H.R. 3903, as ordered reported by the Committee on Resources, details the role of the Federal Energy Regulatory Commission ("FERC") and Gustavus Electric Company in a land exchange between the United States and the State of Alaska. As you know, the Committee on Commerce was granted an additional referral upon its introduction pursuant to the Committee's jurisdiction over the generation and marketing of power 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 expeditous manner. I also understand that you have agreed to address this Committee's concern over section 4(d) of the bill as ordered reported 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. 3903. 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 would seek your commitment to support any request by the Commerce Committee for conferees on H.R. 3903 or related legislation.

I would appreciate your including this letter as a part of the Committee's report on H.R. 3903 and as part of the record during consideration of this bill by the House.

Sincerely,

TOM BLILEY,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, September 9, 1998.

Hon. TOM BLILEY,
Chairman, Committee on Commerce,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 3903, the Glacier Bay National Park Boundary Adjustment Act of 1998, a land exchange bill I introduced to help Gustavus, Alaska, construct a small hydroelectric project to provide clean, lower-cost power for the community and for the operation of Glacier Bay National Park.

I appreciate you waiving your additional referral of this bill to allow it to be considered before the House of Representatives adjourns for the year. As your letter states, I plan to offer a manager's amendment which addresses the concerns you raised regarding subsection 4(d) of the bill as reported by striking that subsection. In addition, I will include your letter in the report on the bill and in the Congressional Record during consideration of H.R. 3903 on the Floor. Finally, I will support your request to be represented on any conference on H.R. 3903 in the unlikely event that one becomes necessary.

Thank you again for your cooperation and that of Hugh Halpern of your staff. I look forward to seeing H.R. 3903 enacted into law soon.

Sincerely,

DON YOUNG,
Chairman.

□ 1530

Crafting this bill has taken some time, but the final project advances a sensible local solution to a serious local problem and should be enacted into law without further delay.

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

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

Mr. Speaker, I want to thank the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources for bringing this piece of legislation for consideration by this body.

Mr. Speaker, I rise in strong support of this legislation as it was sponsored and authored by the gentleman from Alaska, also chairman of the Committee on Resources.

It may strike some as unusual for a bill that can lead to a hydro project in what is now a national park wilderness to be acceptable to the National Park Service. But this is a unique case, Mr. Speaker. Both the community of Gustavus, Alaska and the Park Service facilities at Glacier Bay National Park are dependent upon diesel generation facilities for their electrical power. Barging oil poses a threat of spills in park waters. Diesel power generates emissions and is expensive.

Mr. Speaker, the basic purpose of this bill is to authorize a review of whether there are more economical and environmentally benign alternative sources of power for the community of Gustavus. We are not endorsing any specific project in this legislation. Rather, we are empowering the Park Service, as partners with the Federal Energy Regulatory Commission, to study this matter in depth prior to making any decision of whether a small hydroelectric project is either economically feasible or environmentally desirable.

Mr. Speaker, as an additional safeguard for the best interest of the park's resources, we have extended what in effect is veto power for the National Park Service, making any land exchange and FERC license subject to their consent. Many questions remain to be addressed in this process, including concerns raised by the environmental witnesses in hearing testimony before the committee.

But on the balance, Mr. Speaker, I think it is worth determining in a comprehensive public process whether there is a better way to produce power for the community of Gustavus. In this regard, I would note for the record a comment made by the Governor of Alaska, Tony Knowles in a letter to the chairman of the committee, quote, "The State has worked closely with your staff, the National Park Service staff, and the Gustavus Electric Company in the development of this bill; and we believe it is in the public interest to enact such legislation. Most notably, this land exchange would facilitate the development of the Fall Creek hydroelectric project near Gustavus. This project, as you know, has the potential to provide long-term affordable electricity to the people of Gustavus and to the National Park Service facilities. It will reduce State subsidies and replace diesel fuel with a clean, local, and renewable energy source."

Mr. Speaker, a small-scale hydro project and land exchange as contemplated in this legislation may well be in the public interest. However, that will be determined only after a joint environmental Impact Statement conducted by the Park Service and FERC and only if a license is issued by FERC with the consent of the Park Service.

In light of these safeguards, Mr. Speaker, I submit this to my colleagues in the House, and I ask them for their support. Support this legislation.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I rise in support of H.R. 3903, the "Glacier Bay National Park Boundary Adjustment Act of 1998." This bill provides for a land exchange in Alaska in anticipation of future development of a hydroelectric project in a remote area of the State. Development of this project will sharply lower the cost of electricity paid by customers in this rural area, which currently relies on high-cost diesel generation.

H.R. 3903 provides a role for the Federal Energy Regulatory Commission in the land exchange. Under the bill, the Commission determines the minimum amount of land necessary for the construction and operation of a hydroelectric project. In addition, the land exchange may occur only if the Commission has conducted economic and environmental analyses that conclude the construction and operation of a hydroelectric project on the exchanged land will not adversely impact the Glacier Bay National Park and Preserve, will comply with the National Historic Preservation Act, and can be accomplished in an economically feasible manner.

Significantly, the bill does not circumscribe the Commission's hydroelectric licensing process. Any hydroelectric project on the exchanged lands must be licensed by the Commission, and the Commission retains jurisdiction over the operation of any such facility. H.R. 3903 does not limit the application of the Federal Power act to the licensing of a hydroelectric project on the exchanged lands. The bill does impose additional conditions beyond those in the Act. For example, the Commission is directed to determine the minimum amount of lands necessary for construction and operation of a hydroelectric project. H.R. 3903 also conditions the license on Commission approval of a finance plan submitted by the applicant, the Gustavus Electric Company. In addition, the bill bars the Commission from licensing or relicensing the hydroelectric project unless it determines the project will not adversely impact the purposes and values of Glacier Bay National Park and Preserve. Finally, H.R. 3903 requires that the licensee mitigate any adverse effects of the project on the purposes and values of Glacier Bay National Park and Preserve as a condition of the license.

The Committee on Commerce has jurisdiction over all functions of the Federal Energy Regulatory Commission, including its hydroelectric licensing process. The Committee was

pleased to work with the Committee on Resources on this legislation. As indicated in the exchange of correspondence in the report filed by the Committee on Resources, the Committee on Commerce waived referral of H.R. 3903 in order to expedite floor consideration. However, that does not constitute a waiver of jurisdiction.

As reflected in the exchange of letters between the Committee on Commerce and the Committee on Resources, the Committee on Resources has agreed to an amendment to strke section 4(d) from the bill. This amendment clarifies that the licensee must pay all Federal land use fees required under section 10(e) of the Federal Power Act. This exchange of letters also commemorates that the Committee on Resources would support a request by the Committee on Commerce in the event there is a conference on H.R. 3903.

I urge support for the legislation.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I do not have any additional speakers as well, and I yield back the balance of time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 3903, 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. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3903, the bill just passed.

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

There was no objection.

OCEANS ACT OF 1998

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3445) to establish the Commission on Ocean Policy, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3445

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 "Oceans Act of 1998".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) COMMISSION.—The term "Commission" means the Commission on Ocean Policy established under section 4.

(2) COASTAL STATE.—The term "coastal State" means a State in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes.

(3) MARINE ENVIRONMENT.—The term "marine environment" includes—

(A) the oceans, including coastal and offshore waters and nearshore saltwater estuaries;

(B) the continental shelf; and

(C) the Great Lakes.

(4) OCEAN AND COASTAL ACTIVITIES.—The term "ocean and coastal activities" includes activities consisting of, affecting, or otherwise related to oceanography, fisheries, or the management or use of any ocean and coastal resource. The term does not include military operations and training.

(5) OCEAN AND COASTAL RESOURCE.—The term "ocean and coastal resource" means any living or nonliving natural, historic, or cultural resource or mineral found in the marine environment.

(6) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

SEC. 3. EXECUTIVE RESPONSIBILITIES.

(a) NATIONAL OCEAN AND COASTAL POLICY.—The Congress and the President, after receiving and considering the report of the Commission under section 4, shall develop and propose a coordinated, comprehensive, and long-range national policy for the responsible use and stewardship of ocean and coastal resources for the benefit of the United States, including a plan to meet the resource monitoring and assessment facilities and equipment requirements of Federal ocean and coastal programs.

(b) BIENNIAL REPORT.—Beginning in January 1999, the President shall transmit to the Congress biennially a report that shall include a detailed listing of all existing Federal programs relating to ocean and coastal activities, including a description of each program, the current funding for the program, and a projection of the funding level for the program for each of the following 5 fiscal years.

(c) BUDGET COORDINATION.—Each agency or department involved in ocean and coastal activities shall include with its annual request for appropriations a report that identifies significant elements of the proposed agency or department budget relating to ocean and coastal activities.

(d) COOPERATION AND CONSULTATION.—In carrying out responsibilities under this Act, the President—

(1) may use such staff, interagency, and advisory arrangements as the President finds necessary and appropriate; and

(2) shall consult with State and local governments and non-Federal organizations and individuals involved in ocean and coastal activities.

SEC. 4. COMMISSION ON OCEAN POLICY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is hereby established the Commission on Ocean Policy.

(2) MEMBERSHIP.—(A) The Commission shall be composed of 16 members appointed by the President from among individuals who are knowledgeable in ocean and coastal activities, including individuals representing State and local governments, ocean-related industries, academic and technical institutions, and public interest organizations involved with scientific, regulatory, economic, and environmental ocean and coastal activities. The membership of the Commission shall be balanced geographically to the extent consistent with maintaining the highest level of expertise on the Commission.

(B) Of the members of the Commission appointed under this paragraph—

(i) 4 shall be appointed from a list of 8 individuals who shall be recommended by the majority leader of the Senate in consultation with the Chairman of the Senate Committee on Commerce, Science, and Transportation;

(ii) 4 shall be appointed from a list of 8 individuals who shall be recommended by the Speaker of the House of Representatives in consultation with the Chairmen of the Committees on Resources, Transportation and Infrastructure, and Science;

(iii) 2 shall be appointed from a list of 4 individuals who shall be recommended by the minority leader of the Senate in consultation with the ranking member of the Senate Committee on Commerce, Science, and Transportation; and

(iv) 2 shall be appointed from a list of 4 individuals who shall be recommended by the by the minority leader of the House of Representatives in consultation with the ranking members of the Committees on Resources, Transportation and Infrastructure, and Science.

(C) The members of the Commission shall be appointed for the life of the Commission by not later than 90 days after the date of the enactment of this Act.

(3) FIRST MEETING.—The Commission shall hold its first meeting within 30 days after it is established.

(4) CHAIRMAN.—The Commission shall elect one of its members as Chair.

(b) REPORT.—

(1) IN GENERAL.—The Commission shall submit to the Congress and the President, by not later than 18 months after the date of the establishment of the Commission, a final report of its findings and recommendations regarding United States ocean policy.

(2) PUBLIC AND STATE REVIEW.—Before submitting the final report to the Congress, the Commission shall—

(A) publish in the Federal Register a notice that the draft report is available for public review; and

(B) provide a copy of the draft report to the Governor of each coastal State, the Committees on Resources, Transportation and Infrastructure, and Science of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate.

(3) FINAL REPORT CONTENTS, GENERALLY.—Subject to paragraph (4), the final report of the Commission shall include recommendations for the responsible use and stewardship of ocean and coastal resources, including the following:

(A) Recommendations for any modifications to United States laws and regulations, and the administrative structure of the Executive agencies, that are necessary to improve the understanding, management, and conservation and use of, and access to, ocean and coastal resources.

(B) An assessment of the condition and adequacy of existing and planned facilities associated with ocean and coastal activities, including human resources, vessels, computers, satellites, and other appropriate platforms and technologies, and recommendations for investments and improvements in those facilities.

(C) A review of existing and planned ocean and coastal activities of Federal entities, and recommendations for changes in such activities necessary to reduce duplication of Federal efforts.

(D) A review of the cumulative effect of Federal laws and regulations on United States ocean policy, an examination of those laws and regulations for inconsistencies and contradictions that might adversely affect the conduct of ocean and coastal activities, and recommendations for resolving any such inconsistencies. In particular, this portion of the report shall include an examination of the relationship between the fisheries development and fisheries conservation responsibilities of the National Marine Fisheries Service.

(E) A review of the known and anticipated supply of and demand for ocean and coastal resources of the United States.

(F) A review of the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal activities, and recommendations for enhancing the role of State and local governments.

(G) A review of opportunities for the development of or investment in new products, technologies, or markets related to ocean and coastal activities.

(H) A review of previous and ongoing State efforts and Federal efforts to enhance the effectiveness and integration of ocean activities, including those occurring offshore and in nearshore saltwater estuaries.

(4) STATE COMMENTS.—The Commission shall include in the final report comments received from the Governor of any coastal State regarding recommendations in the draft report that apply to areas within the boundaries of that coastal State.

(5) CONSIDERATION OF FACTORS.—In making its assessments and reviews and developing its recommendations, the Commission shall give full and balanced consideration to environmental, technical, economic, and other relevant factors, with an equal opportunity for all parties to present a fair and reasonable case for unbiased consideration by the Commission. All recommendations should consider effects on private property. To the greatest extent possible, no recommendations shall have a negative impact on local economies that are dependent on ocean and coastal resources. Any data used by the Commission in making its recommendations for regulations shall be peer reviewed.

(6) LIMITATION ON RECOMMENDATIONS.—The Commission shall not make any specific recommendations with respect to lands and waters within the boundary of any State located north of 51 degrees North latitude, or with respect to lands and waters within the State of Idaho.

(c) DUTIES OF THE CHAIR.—In carrying out the provisions of this section, the Chair of the Commission shall be responsible for—

(1) the assignment of duties and responsibilities among staff personnel and their continuing supervision; and

(2) the use and expenditures of funds available to the Commission.

(d) COMPENSATION.—Members of the Commission shall, subject to the availability of appropriations, when engaged in the actual performance of duties of the Commission, receive reimbursement of travel expenses, including per diem in lieu of subsistence as authorized for persons employed intermittently in the Government service under section 3109 of title 5, United States Code.

(e) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Chair of the Commission may, with the consent of the Commission and without regard to the civil service laws and regulations, appoint and terminate an executive director who is knowledgeable in administrative management and ocean and coastal policy and such other additional personnel as may be necessary to enable the Commission to perform its duties.

(2) COMPENSATION.—The executive director shall, subject to the availability of appropriations, be compensated at a rate not to exceed the rate payable for Level V of the Executive Schedule under section 5316 of title 5, United States Code. The Chairman may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for GS–15, step 7, of the General Schedule under section 5332 of such title.

(3) DETAILEES.—Upon a request of the Chair of the Commission made after consulting with the head of any Federal agencies responsible for managing ocean and coastal resources, the head of any such Federal agency may detail appropriate personnel of the agency to the Commission to assist the Commission in carrying out its functions under this Act. Federal Government employees detailed to the Commission shall serve without reimbursement from the Commission, and shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) EXPERTS AND CONSULTANTS.—To the extent that funds are available, and subject to such rules as may be prescribed by the Commission, the executive director of the Commission may procure the temporary and intermittent services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate payable for GS–15, step 7, of the General Schedule under section 5332 of title 5, United States Code.

(f) ADMINISTRATION.—

(1) MEETINGS.—All meetings of the Commission shall be open to the public, except that a meeting or any portion of it may be closed to the public if it concerns matters or information described in section 552b(c) of title 5, United States Code. Interested persons shall be permitted to appear at open meetings and present written statements or oral statements at the discretion of the Commission on the subject matter of the meeting. The Commission may administer oaths or affirmations to any person appearing before it.

(2) NOTICE OF MEETINGS.—All open meetings of the Commission shall be preceded by timely public notice, including notice in the Federal Register, of the time, place, and subject of the meeting.

(3) MINUTES AND OTHER RECORDS.—(A) Minutes of each meeting shall be kept and shall contain a record of the people present, a description of the discussion that occurred, and copies of all statements filed. Subject to restrictions set forth in section 552 of title 5, United States Code, the minutes and records of all meetings and other documents that were made available to or prepared for the Commission shall be available for public inspection and copying at a single location in the offices of the Commission.

(B) The Commission shall have at least one meeting in each of the following 6 geographic regions of the United States:

(i) The Northeast.

(ii) The Southeast.

(iii) The Southwest.

(iv) The Northwest.

(v) The Great Lakes States.

(vi) The Gulf of Mexico States.

(g) COOPERATION WITH OTHER FEDERAL ENTITIES.—

(1) OTHER FEDERAL AGENCIES AND DEPARTMENTS.—The Commission may secure directly from any Federal agency or department any information it considers necessary to carry out its functions under this Act. Each such agency or department may cooperate with the Commission and, to the extent permitted by law, furnish such information to the Commission, upon the request of the Chair of the Commission.

(2) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(3) ACQUISITIONS.—The Commission may enter into contracts with Federal and State agencies, private firms, institutions, and individuals to assist the Commission in carrying out its duties. The Commission may purchase and contract without regard to section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8 of the Small Business Act (15 U.S.C. 637), pertaining to competition and publication requirements, and may arrange for printing without regard to the provisions of title 44, United States Code. The contracting authority of the Commission under this Act is effective only to the extent that appropriations are available for contracting purposes.

(h) TERMINATION.—The Commission shall cease to exist 30 days after the date on which it submits its final report.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to support the activities of the Commission $2,000,000 for fiscal year 1999 and $1,000,000 for fiscal year 2000. Any sums appropriated may remain available without fiscal year limitation until the Commission ceases to exist.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, today the House is considering H.R. 3445, a bill to establish a National Ocean Commission. Considerable effort has gone into producing the bill that is agreeable to a wide variety of parties that are interested in the conservation, management, and use of our natural, our rich and varied ocean and coastal resources.

The bill reflects an agreement reached before the full committee markup by the gentleman from Alaska (Mr. YOUNG), and the gentleman from California (Mr. FARR) and other Members, and further amendments were included to satisfy the concerns of gulf State Members.

It also reflects the willingness of the Committee on Science and the Committee on Transportation and Infrastructure to allow us to move forward in a prompt manner and act on the measure this year, the International Year of the Ocean.

Mr. Speaker, I would like to express my sincere appreciation to the Members of the Committee on Science and

the Committee on Transportation and Infrastructure for their consideration.

H.R. 3445 builds upon the foundation established more than 30 years ago with the enactment of the Marine Resources, Engineering and Development Act in the early 1960s. That historic legislation established a Commission on Marine Sciences, Engineering and Resources commonly referred to as the Stratton Commission, which encouraged development of a comprehensive national ocean policy.

As a direct result of the Stratton Commission and their report, the National Oceanic and Atmospheric Administration was formed and created, and the Coastal Zone Management Act was passed by the Congress and established.

By the year 2010, it has been estimated that 127 million people or 60 percent of the American population will live along our coasts. As someone who is proud to represent a coastal district, I have dedicated myself to the health and vitality of our ocean ecosystems.

H.R. 3445 will help assure that health and vitality through the work of the new ocean policy commission. This commission will inform Congress of our current ocean programs and whether or not they are on track, whether or not they need to be changed, and will presumably recommend some improvements.

As a maritime nation, we have always been aware of how crucial oceans are to both our economic well-being and to the well-being of our environment. For instance, the commercial fishing industry alone contributes $111 billion per year to our national GDP. There is always a need to further invigorate our ocean and coastal programs.

During the past 4 years, the Subcommittee on Fisheries Conservation, Wildlife and Oceans, which I chair, has invested a great deal of effort trying to improve U.S. coastal and ocean programs and dealing with persistent management problems facing our fishery resources.

A formal review of all these policies by a group of independent nongovernmental experts will give us a fresh look at these problems, the problems our oceans face, and suggest the potential solutions for the 21st Century.

The bill before us today establishes the National Ocean Commission consisting of 16 Members. Eight will be appointed from Republican nominations and eight from Democratic nominations, making it a true bipartisan commission.

The bill requires extensive public input, including regional public hearings, public review of the draft report, and review of the draft report by the governors of coastal states.

The bill also requires the commission to consider the effects of its recommendations on private property and local economies.

H.R. 3445 is the product of hundreds of hours of deliberation by both Members and our fine staffs. It is an appropriate congressional initiative during 1998, the International Year of the Ocean, and I obviously hope that this bill will pass by a unanimous vote.

Mr. Speaker, I would like to make a special note of the fine efforts of the gentleman from California (Mr. FARR), who together with several other Members have partnered to create a bill and an initiative which I believe is of great significance, and has gone through, frankly, a long and difficult process.

So these bills that come about as a result of a long period of consideration and conversation and dialogue and debate oftentimes produce a very, very good product. I believe that that is the case with regard to this bill, and I would like to thank the gentleman from California (Mr. FARR) for the very important and forward looking role that he played.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent that the gentleman from California (Mr. FARR) be permitted to manage the legislation on this side of the aisle.

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

There was no objection.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate very much the role and leadership that the gentleman from New Jersey (Mr. SAXTON) has played in this. We are a Congress that oftentimes emphasizes our partisan differences, and I think on this bill we are emphasizing our bipartisan strengths on a common issue, which is the oceans.

This is the International Year of the Ocean, and it is interesting how that international year has played out. I am joking but I think that we have to realize that in the International Year of the Ocean who knew that the Academy Awards would honor the oceans by granting the Oscar to the movie Titanic? Who would have known, when we began this year, that the New York Times bestseller's nonfiction list would be for a break in the all time record of a nonfiction book about weather, called The Perfect Storm? Who knew, when we began this year, that we were going to have on Larry King Live two talk shows about weather, the El Nino?

So we are finishing this year with Congress responding to all of these issues by enacting a bill that really takes all of those issues into consideration, and that is a bill that puts together a commission that is to look at these Federal programs not as a single sector oriented, which is what we found in our committee discussions. Too much of what we do in the Federal Government over time ends up just trying to solve a single problem. We create a government to administer that problem. We fund the government to deal with that problem and as we grow more complex and more complicated in an area dealing with a body of water that really knows no political boundary, no State political boundary, local boundary, international boundary, these are issues where we have to take a holistic approach to dealing with the problems and that is what this commission is called upon to do. It is called upon to bring back to Congress the conflicts that are out there, the conflicts in our own law, the conflicts between State and local and Federal governments.

So I think that Congress is really putting its best foot forward in enacting this legislation because it is doing something that everybody on each side of the aisle wants to do and that is do a better job with limited resources.

So I really appreciate the bipartisan effort in this creation of this bill. I want to also thank the staff of the Committee on Resources and particularly the subcommittee of the gentleman from New Jersey (Mr. SAXTON), because we have worked together and everybody shared all the information. It has not always been easy because there are some interests here that are very sensitive.

So we are here on the floor with, I think, a good bill that everybody can be proud of.

I just want to point out also that it has been an effort. I represent the coast of California and I have a special interest in it. We have a lot of marine institutions around the bay, 16 to 17 different institutions that relate to the ocean. We call ourselves the Kennedy Space Center of the ocean. A lot of other areas like to claim that title, too, whether it is Woods Hole, Massachusetts, or the San Diego area with Scripps, but we held in the Monterey Bay region the first-ever Presidential Conference on the Oceans. It was attended by Members of both sides of the aisle and they got to speak and participate.

I think we are really on a national realization that if we do not deal with the problems of the ocean, we are going to have a lot of detrimental effects for those of us who want to live on this planet. As far as economic security, national security, environmental security, food security and issues like that, this commission will bring us all together with some comprehensive recommendations to Congress of how we might move forward.

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

□ 1545

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, 1998 is the Year of the Ocean. We have heard that mentioned several times. So, it is only fitting and proper that we focus on the ocean this year. And in doing so, I would like to commend the gentleman from New Jersey (Chairman SAXTON) for the outstanding leadership he has provided. He is there every step of the way. It is his inspiration, his innovation that has gotten us to this juncture today.

But, Mr. Speaker, he has not done it alone. The gentleman from California (Mr. FARR), the gentleman from Maryland (Mr. GILCHREST) and the gentleman from California (Mr. BILBRAY) have all been very active participants in this process.

I think this is very important legislation. We sometimes think that if it is not a major bill providing trillions of dollars of expenditures and a lot of controversy, it is not all that important. Let me suggest that this is very important.

Two-thirds of the world's surface is covered by water, and we have to deal with that water. I was glad to hear the gentleman from California (Mr. FARR), give that recitation of all those things that people did not know about this year; that in 1998, nobody knew that Titanic would get the Oscar. I think that people are properly focusing on the ocean and I think a commission to study the issue and make recommendations to all of us for further action is something that is very right and very proper.

Mr. Speaker, I am here as a colleague who was watching this debate, colloquy more than a debate, in my office and said what they are doing over there is very important and I want to say that to them. I want to express to the gentleman from New Jersey (Chairman SAXTON) and to the gentleman from California (Mr. FARR) and the others who have been involved, "Thank you for what you are doing. I am proud of you."

Mr. Speaker, this is the type of work that day in and day out the House of Representatives is very actively engaged in. It is very important, not just for now but for future generations.

Mr. FARR of California. Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA) whose district is surrounded by water.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today in strong support of H.R. 3445, a bill to establish a commission on ocean policy. Mr. Speaker, we all know that approximately two-thirds of the world's surface is covered by water. Our oceans should be our greatest resource, but for many years for many a number of reasons, oftentimes it has been nothing more than our greatest dumping ground.

Decades ago, the United States and other progressive nations realized that to continue our then current policy would only lead to the destruction of a vital resource. In response, we began the process of establishing a more coherent policy on management of this resource. It was obvious to all those who were involved that the United States alone could not adequately address the problem and through the efforts of the United Nations and many other concerned countries, more aggressive actions were taken worldwide.

Mr. Speaker, over the past 30 years, much progress has been made in the management and use of our oceans. International protocols continue to be developed to the benefit of all nations. This process has not gone smoothly, however, and there have been and continue to be nations which overfish dwindling stocks of fish or hunt species of whale to near extinction. But today the tides have changed, so to speak. A vast majority of the world opposes actions of this nature.

The United States continues to address the problem of overfishing of local stocks off the coast of the eastern United States. This has been a particularly difficult issue because of the long history of fishing in communities which have relied on local stocks for generations. As the yields in these stocks have dwindled over the last decade, increased concern has risen to a sense of despair. This is an ongoing problem which needs continued attention and additional resources.

Mr. Speaker, off the coast of the western United States, the issue of fishing for tuna and the associated killing of dolphins has been discussed for years. I have spoken on this topic at length in the past and do not have the time to go into detail today, but suffice it to say that we recently entered into a new international agreement in an effort to enlist the support of our neighbors to the south to protect dolphins, yet assist them in their economic development by permitting tuna caught in compliance with this international accord to enter the United States for commercial sale. The environmental community and the domestic fishing industry was split on this new law and we will not know for years how well this new arrangement will work. This is another area which could use additional study and resources and even more the reason why we should have a national commission on oceans.

Mr. Speaker, I am most familiar with U.S. interests in the Pacific region. As the largest body of water in the world, the Pacific covers 70 million square miles of the earth's surface and borders or surrounds many countries. It is the source of food for much of the world's population and a significant portion of the world's commerce is transported across its surface.

The United States has considerable interest in this region. Our territory includes the State of Hawaii, the Territories of American Samoa, Guam, and the Northern Mariana Islands. Although now independent, we have continued close relationships with the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. We also administer approximately a dozen other islands in the Pacific. While the total land area is relatively small, the area included in our Nation's Exclusive Economic Zone is hundreds of thousands of square miles in the Pacific Ocean.

Mr. Speaker, our Nation alone controls some 2.3 million square nautical miles of Exclusive Economic Zones. Coming from a group of islands who have lived off this natural resource for thousands of years, I welcome this piece of legislation. It is in our national interest to devote additional resources to study of ocean policy.

Mr. Speaker, I urge my colleagues to support this great legislation. I want to commend, again, the leadership and the service of the gentleman from New Jersey (Mr. SAXTON) the chairman of the Subcommittee on Fisheries, Conservation, Wildlife and Oceans for his outstanding performance, not only for the management of this legislation, but certainly as a great friend.

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

Mr. FARR of California. Mr. Speaker, how much time do we have remaining?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from California (Mr. FARR) has 11½ minutes remaining.

Mr. FARR of California. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from California (Mr. FARR) for yielding me this time, and I certainly would like to begin by congratulating my colleague, the author of H.R. 3445, for his diligent work in bringing this important piece of legislation to fruition. Also, I would like to thank the gentleman from New Jersey (Mr. SAXTON) of New Jersey, the distinguished chairman, for all of his efforts.

Mr. Speaker, one would find themselves hard-pressed to refute the role that the oceans contribute to our daily lives. As has been stated here already, and in other legislative bodies, at conferences and seminars and symposiums, we depend on the oceans for our livelihood. Not just in an economic sense, but also for recreational purposes for tourism and even spiritual as well.

Coastal cities and towns rely on the waters of the sea. Some use it for tourism, others for the transshipment of goods, while other retain a long history perhaps as fishing villages.

As the delegate from the Island of Guam, an island community, our people and our leaders use the surrounding ocean for all these reasons and more.

The ocean represents our historical ties with our ancestors and also provides us with an opportunity for future growth and maintaining and sustaining our way of life in the present.

In all the attention that has been drawn to oceans this year, people have been fond of saying that over half of the country's population lives within 50 miles of the water. Mr. Speaker, I am proud to say that I come from a community where 100 percent of our people live within 4 miles of the ocean. And so we fully recognize the impact and the importance of the ocean in our lifes.

Often we overlook what benefits the oceans bring to our communities when we spend most of our time on land. I know, as the gentleman from American Samoa (Mr. FALEOMAVAEGA), my esteemed colleague here, and I go and crisscross the ocean and we see the great expanse of ocean, we also see the opportunities. We imagine the history of our own islands' peoples, but we also see the economic opportunities and the necessity to protect the resources and the opportunities that the Pacific provides this country and to the world.

The Stratton Commission convened in the 1960s to assess the Nation's marine resources was a good beginning, because it helped bring about a policy that created the National Oceanic and Atmospheric Administration. It provided our country a method to use the ocean and its resources for our gain. However, in our pursuit to travel faster on ocean routes and establish economic advantages and to feed our Nation and the world, I think we have neglected a sound international policy to preserve and sustain the valued resources that the ocean provides.

The formulation of this commission on ocean policy, patterned somewhat after the Stratton Commission, is an opportunity to step forward in the right direction. It helps to establish a new ocean policy focused around properly managing the oceans to produce a healthy, abundant ecosystem. It is a serious approach to create a plan that will ensure the survival of a viable and abundant ocean in the 21st century.

Mr. Speaker, I would also like to take this opportunity to express my support for ratification of the Convention of the Law of the Sea Treaty. This international arrangement, and collaboration with other developed nations that this treaty represents, goes hand in hand with the national policy we are seeking to create. It is possible to have one without the other, but to only develop a national policy and not address the need for international cooperation in our new global village is not quite responsible. The Law of the Sea helps to ensure economic prosperity and military security while preserving and sustaining ocean resources with the cooperation of other countries.

As leaders for the Nation, we carry the burden providing for the present and planning for the future. H.R. 3445, the Oceans Act of 1998, ensures that this responsibility is met. I encourage all of my colleagues to support this measure.

Mr. FARR of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that it is important to point out that there is some major overhaul of Federal law in this bill. This commission, which the President shall appoint with recommendations from Congress, is going to do some things that I think are absolutely essential to us positioning ourselves for the 21st century.

The bill says, and I quote, "A review of all existing or planned ocean or coastal activities of Federal entities and recommendations for changes in such activities necessary to reduce duplication of Federal efforts."

The bill also calls for, "a review of the cumulative effect of Federal laws and regulations on the United States ocean policy and examination of those laws and regulations for inconsistencies and contradictions that might adversely affect the conduct of ocean and coastal activities, and recommendations for resolving the inconsistencies."

This is a good way of setting some Federal policy that gets us away from just trying to administer item by item, as we have historically.

Then, "a review of all known and anticipated supply of and demand for ocean and coastal resources in the United States, and a review of the relationship between Federal, State, and local governments and the private sector in planning and carrying out ocean and coastal policy recommendations."

Probably even the most controversial area of all is to examine the relationship between the fisheries development and fisheries conservation responsibilities of the National Marine Fisheries so that we do not really just legislate in crisis. We can legislate sound management practices. All of these recommendations will come back to Congress for enactment in the future.

Mr. Speaker, I want to also say that a person on my staff who was here as a Sea Grant Fellow and had to go back to school, but I wanted to point out that but for her work we would not be this far long: Jennifer Newton. Chris Mann on our committee staff, and also the minority staff of John Rayfield, Harry Burroughs, and Sharon McKenna all made this bill possible, and I want to thank them for their effort.

Lastly, wholeheartedly my thanks and appreciation and professional respect goes out to the gentleman from New Jersey (Chairman SAXTON). We have had a wonderful time working together on this bill because we mutually had a vision of where we ought to be going and we stuck with that vision and did whatever was necessary to try to bring it to fruition.

□ 1600

So I have a great deal of appreciation for the gentleman's leadership and he serves his district well.

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

Mr. SAXTON. Mr. Speaker, I yield myself the balance of my time and would like to thank the gentleman for his kind remarks.

Mr. ORTIZ. Mr. Speaker, I appreciate the many efforts to bring an oceans policy bill before the House of Representatives today. This is certainly an issue which is extremely important to the future of the United States and deserves our attention.

As H.R. 3445, the Oceans Act of 1998, comes to the floor of the House of Representatives, I am concerned there has not been adequate debate on provisions rejected for inclusion in this legislation which would protect the objective and fair consideration of all interests in offshore resources. It is my desire that we would continue to work to bring a compromise bill on ocean policy to the floor of the House. This is an extremely important issue with far ranging effects which Congress should address thoroughly.

Since we initially considered this issue in the Committee on Resources, I have not heard anyone say that we should not protect our oceans. We all are aware of the inimitable role our oceans play in our future and know we must insure the sustainability of oceanic resources. At the same time, these resources contribute daily to the economies of our communities and support a large segment of our population, both directly and indirectly. While we work to protect the future of these resources, we must insure we adequately protect the diverse interests we have in our oceans.

Mr. SHUSTER. Mr. Speaker, H.R. 3445, the Oceans Act of 1998, establishes a commission to help develop a national ocean policy.

Through its jurisdiction over law and programs regarding the ocean, the Committee on Transportation and Infrastructure has a strong interest in this legislative proposal.

In order to allow this legislation to be brought to the floor today, the Committee on Transportation and Infrastructure agreed to a sequential referral of very limited duration.

However, this action should in no way be considered a waiver of the jurisdiction of the Committee on Transportation and Infrastructure over H.R. 3445.

If this legislation goes to a House-Senate conference, the Committee on Transportation and Infrastructure reserves the right to request to be included as conferees.

In addition, the chairman of the Resources Committee has assured me that he is willing to work with our committee on any differences the Committee on Transportation and Infrastructure may have with this bill in such a conference, or in the event that there is no formal House-Senate conference on this bill.

I would like to thank the leadership of the Resources Committee for these assurances and for their cooperation throughout the process.

Mr. MILLER of California. Mr. Speaker, I rise in support of the substitute amendment for H.R. 3445. The amendment is, with minor changes, essentially the bill that was reported from the Resources Committee.

It establishes a commission on ocean policy to assess the status of ocean and coastal resources and make recommendations on how we, as a nation, can make the best use of these resources while ensuring their availability to future generations. It calls for the President and Congress, after reviewing the commission's report, to develop a national policy to guide our ocean and coastal activities to those ends.

While I support the bill before the House today, I remain concerned that restrictions placed on the scope of the commission's review may fetter the commission in making a comprehensive assessment of marine resources and the activities that affect them. If this is the result, then the ocean policy to be developed from the commission's recommendations will be the poorer for it. After all, the commission established by this bill will only make recommendations which Congress and the Administration are free to ignore.

Yet up until the last minute there were attempts to further restrict the scope of review, thus restricting the intellectual freedom of the commissioners appointed, because of their expertise, to study our ocean and coastal resources. Particularly disturbing was an attempt to revisit issues dealt with unambiguously and decisively in Committee. Clearly there are those that would prefer that this bill not become law. Afraid to oppose it outright, they have tried to inflict the death of a thousand cuts.

But as a result of the perseverance of Mr. FARR and the gentleman from New Jersey, Mr. SAXTON, those attempts have so far failed. The compromise before the House today preserves the fundamental principles of the bill that was introduced, while going the extra mile to address the concerns of some members about the breadth of the commission's authority.

1998 is the Year of the Ocean and this is bipartisan legislation to promote responsible use and stewardship of these resources. It's been 30 years since the United States had a thorough review of the oceans and Congress should take the lead in establishing an oceans policy for the 21st century.

Again, I commend Mr. FARR and Mr. SAXTON for all their hard work trying to keep this bill on track against long odds.

This is good legislation and I urge the House to support it.

Mr. PALLONE. Mr. Speaker, I join my colleagues today in supporting the passage of H.R. 3445, the Oceans Act. As the world celebrates the International Year of the Ocean, we have an excellent opportunity to initiate a major review of ocean policies in this Nation and to take actions to improve our understanding of ocean systems and the ocean environment as a whole.

As a coastal member and co-chair of the Coastal Caucus, I've always been supportive of protecting our oceans and coasts and realize the tremendous benefits they offer all Americans. Our oceans provide us with jobs, food, recreational as well as education opportunities, medicine, and transportation. Each year an estimated 180 million Americans visit the coast and nearly one third of our nation's Gross National Product is produced in coastal areas. Our oceans also play an important role in determining climate.

But all is not well with our oceans. Today, more than half of all 265 million Americans live within 50 miles of our shores. This has put tremendous pressure on our estuaries, coastal zone, and near and offshore areas. In 1996, nearly 2,200 health advisories were issued against the consumption of contaminated fish. In 1997, over 4,000 beach closings or warnings were issued due to pollution. Harmful algal blooms, like red tides and pfiesteria, have been responsible for over $1 billion in economic damages over the last decade. A 1997 National Marine Fisheries Service report to Congress stated that of the federally managed species for which sufficient data was available, 31% are "overfished." The list goes on and on.

H.R. 3445 attempts to rectify some of these problems by establishing a Commission on Ocean Policy. This Commission, which is similar to the original Stratton Commission of the late 1960's, will report to Congress and the President policy recommendations for how to do better with respect to our oceans, ultimately resulting in a coordinated National Ocean Policy.

While I support H.R. 3445, I am deeply disappointed that the bill before us today is much weaker than what was passed unanimously by the Fisheries Conservation, Wildlife and Oceans subcommittee. Nevertheless, I applaud the efforts of Mr. FARR Mr. SAXTON, and others for working so hard to bring this bill to the floor today.

In closing, Mr. Speaker, I urge all Members to vote in favor of this legislation so that we can go to conference and have it signed into law before the end of the session. Cast a vote for the oceans! Vote yes on the Oceans Act!

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 3445, the Oceans Act of 1998. In my capacity as chairman of the National Security R&D subcommittee, I have spent the last several years working to promote ocean protection. I have continued to address the issue of the protection of our seas at the international level through my work as the Chairman of the Global Legislators for a Balanced Environment (GLOBE) Task Force on Oceans, and as the U.S. Vice President for the Advisory Committee on Protection of the Seas.

1998 has been declared the International Year of the Ocean in recognition of the importance of our ocean resources—the ocean's fundamental importance to our economic well being, safety, health, and quality of life. We must continue to work to discover and to learn more about our oceans in order to achieve the long-term goals of fostering an increased awareness of the criticality of the ocean environment and assuring the sustainable use of the ocean for our continued national vitality.

It is clear that we need to get smarter about the ocean. For more than half of the American population, it is truly in our back yards. For the military, it is the primary platform for defense. For the economy, it produces one out of every three dollars of the Gross National Product. We can track the spread of cholera by understanding ocean circulation and we may find a cure for cancer in the biology of the sea. The seabed may be the next place for large-scale mining of precious ores.

We are surrounded by a medium about which we know less than we know about the moon! It is time to change this, and to enlarge our view of the ocean. We have mapped the entire sphere of the moon at resolutions sufficient to reveal geographic characteristics the size of a football field, as well as objects the size of bicycles within those fields. Yet, we have mapped less than seven percent of the ocean floor. Such mapping has been done at resolutions as much as ten thousand times poorer than the precision used for the Moon and Mars. We have yet to image at any resolution vast mountain chains, earthquake faults, shipwrecks, and a multitude of other features that would help us understand major features of the 197 million square miles of planet on which we live.

Clearly, the ocean is more than a beautiful vista for recreation. I urge my colleagues to join me in supporting H.R. 3445 to establish a Commission on Ocean Policy. In this way, we can be more committed to better understanding and protecting our interests in this incredible resource.

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

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and pass the bill, H.R. 3445, 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. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3445, the bill just passed.

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

There was no objection.

COLLECTION OF FEES FOR MAKING OF MOTION PICTURES, TELEVISION PRODUCTIONS, AND SOUND TRACKS IN NATIONAL PARK AND NATIONAL WILDLIFE REFUGE SYSTEM

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2993) to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in the National Park System and National Wildlife Refuge System units, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2993

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

SECTION 1. FEE AUTHORITY AND REPEAL OF PROHIBITION.

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Interior (in this section referred to as the "Secretary") may permit, under terms and conditions considered necessary by the Secretary, the use of lands and facilities administered by the Secretary for the making of any motion picture, television production, soundtrack, or similar project, if the Secretary determines that such use is appropriate and will not impair the values and resources of the lands and facilities.

(2) FEES.—(A) Any permit under this section shall require the payment of fees to the Secretary in an amount determined to be appropriate by the Secretary sufficient to provide a fair return to the government in accordance with subparagraph (B), except as provided in subparagraph (C). The amount of the fee shall be not less than the direct and indirect costs to the Government for processing the application for the permit and the use of lands and facilities under the permit, including any necessary costs of cleanup and restoration, except as provided in subparagraph (C).

(B) The authority of the Secretary to establish fees under this paragraph shall include, but not be limited to, authority to issue regulations that establish a schedule of rates for fees under this paragraph based on such factors as—

(i) the number of people on site under a permit;

(ii) the duration of activities under a permit;

(iii) the conduct of activities under a permit in areas designated by statute or regulations as special use areas, including wilderness and research natural areas; and

(iv) surface disturbances authorized under a permit.

(C) The Secretary may, under the terms of the regulations promulgated under paragraph (4), charge a fee below the amount referred to in subparagraph (A) if the activity for which the fee is charged provides clear educational or interpretive benefits for the Department of the Interior.

(3) BONDING AND INSURANCE.—The Secretary may require a bond, insurance, or such other means as may be necessary to protect the interests of the United States in activities arising under such a permit.

(4) REGULATIONS.—(A) The Secretary shall issue regulations implementing this subsection by not later than 180 days after the date of the enactment of this Act.

(B) Within 3 years after the date of enactment of this Act, the Secretary shall review and, as appropriate, revise regulations issued under this paragraph. After that time, the Secretary shall periodically review the regulations and make necessary changes.

(b) COLLECTION OF FEES.—Fees shall be collected under subsection (a) whenever the proposed filming, videotaping, sound recording, or still photography involves product or service advertisements, or the use of models, actors, sets, or props, or when such filming, videotaping, sound recording, or still photography could result in damage to resources or significant disruption of normal visitor uses. Filming, videotaping, sound recording or still photography, including bona fide newsreel or news television film gathering, which does not involve the activities or impacts identified herein, shall be permitted without fee.

(c) EXISTING REGULATIONS.—The prohibition on fees set forth in paragraph (1) of section 5.1(b) of title 43, Code of Federal Regulations, shall cease to apply upon the effective date of regulations under subsection (a). Nothing in this section shall be construed to affect the regulations set forth in part 5 of such title, other than paragraph (1) thereof.

(d) PROCEEDS.—Amounts collected as fees under this section shall be available for expenditure without further appropriation and shall be distributed and used, without fiscal year limitation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program under section 315 of Public Law 104–134.

(e) PENALTY.—A person convicted of violating any regulation issued under subsection (a) shall be fined in accordance with title 18, United States Code, or imprisoned for not more than 6 months, or both, and shall be ordered to pay all costs of the proceedings.

(f) EFFECTIVE DATE.—This section and the regulations issued under this section shall become effective 180 days after the date of the enactment of this Act, except that this subsection and the authority of the Secretary to issue regulations under this section shall be effective on the date of the enactment of this Act.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 2993 is a bill introduced by my colleague, the gentleman from Colorado (Mr. JOEL HEFLEY). The gentleman from Colorado deserves credit for the work he has put in to develop a bill that provides a new way for the National Park Service and other Federal agencies to collect fees from the motion picture industry who use Park Service and other Federal lands in the making of their movies.

H.R. 2993 repeals the existing Department of the Interior regulatory prohibition on collecting fees at units of the National Park System and the National Wildlife Refuge System for the use of these areas for commercial film productions. H.R. 2993 authorizes the Secretary to establish a fee schedule using a number of relevant factors, such as the number of people on site and the duration of the filming activities. However, this bill would not affect newsreel or television news activities. Proceeds from these location fees would remain in the unit where the filming occurs, as per the Recreational Fee Demonstration Program established in the 1997 Interior Appropriation Act.

Mr. Speaker, American public lands, especially National Parks, have been serving as the backdrop for many of Hollywood's most famous and profitable productions, including such films as "Indiana Jones and the Last Crusade," "Forrest Gump," "Star Wars" and "Butch Cassidy and the Sundance Kid." Neither the National Park Service nor the Fish and Wildlife Service collected a dime from any of these movies because they are prohibited from establishing fair and reasonable fees from commercial film companies for the use of these lands. H.R. 2993 would remedy this problem while also making the commercial filming fee available directly to the unit involved in the film production.

Mr. Speaker, this is a much needed bill which returns a fair profit to the Federal Government for the use of many of our national treasures. I strongly urge my colleagues to support H.R. 2993.

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

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

Mr. Speaker, I thank the gentleman from Utah, the chairman of our Subcommittee on National Parks and Public Lands of the Committee on Resources for his management of this legislation, and in particular I want to commend the gentleman from Colorado (Mr. HEFLEY) for his sponsorship of this legislation.

Mr. Speaker, this legislation provides for the collection of fees for the making of motion pictures, television productions and sound tracks in the National Park System and the National Wildlife Refuge System. We should be charging appropriate commercial fees for the use of national parks and refuges, especially when such fees have a long established use on public lands and national forests. The regulation prohibiting movie and television fees for parks and refuges appears to have long outlived any usefulness it may have ever had.

Subsequent to our hearing, several meetings and discussions have been held among our staffs, the representatives of the Department of the Interior, the film industry, and other interested parties. I believe these talks were very fruitful and productive.

As a result of these discussions, Mr. Speaker, the Committee on Resources approved the amendment in the nature of a substitute to 2993 and made several significant changes in this legislation. I believe those changes improve the bill, and I will also note that the bill we are sending to the floor today includes one additional change requested by the administration that is consistent with what we are trying to achieve by the provisions of this bill.

Mr. Speaker, everyone agrees that there should be fair and reasonable fees for the use of public resources for filming. I am greatly encouraged by the bipartisan manner in which legislative agreement was reached on this important issue. I support this bill and I urge my colleagues to do the same.

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

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. HEFLEY), the author of the bill, who has done great work on this particular legislation.

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

Mr. Speaker, I would suspect that most Americans got their first taste of the West through the classic westerns of John Ford, and most of those films were made on public land. Mr. Ford paid a standard fee for the use of those lands, but for the past 50 years, for reasons that no one can really explain, the Park Service and the Fish and Wildlife Service have been forbidden from collecting fees for commercial filming. The bill before us attempts to correct this inequity.

H.R. 2993 directs the Secretary of the Interior to develop a uniform policy to collect fees for most commercial filming on lands administered by the Interior Department agencies.

The bill directs that the Secretary require that these fees provide a fair return to the government, and that said fees shall not be less than the direct and indirect costs to the government for processing fee applications and for the use of the land and facilities.

The bill also directs development of a fee schedule to be based on such factors as the number of people on the site, duration of their stay, surface disturbances and the use of special areas.

The policy exempts from fees bona fide newsreel or news television productions, and most still photographers, save for those who use models and actors and sets and props, and those that would result in either damage to resources or a significant disruption to normal visitor uses.

The language before us addresses concerns raised by the Justice Department and has been cleared with the minority.

Finally, the bill directs the revenues from this policy to be used in accordance with the existing fee demo program.

This bill is the product of a great deal of cooperation between both sides of the aisle on the Committee on Resources. In fact, I think it is an example of how most of the bills that we have in the Committee on Resources should come out. We worked very hard to make this bipartisan. We worked with the Department of the Interior and we worked with the motion picture industry.

We tried to balance the film industry's need for certainty with the Interior's need for flexibility, and I think we have struck that balance. The film industry wants a certainty. They do not want an arbitrary kind of thing where they never know. And, in fact, if there is an arbitrary approach to it, more and more they will go offshore somewhere. They will go to Australia. They will go other places. There are other pretty places in the world they can go to film movies. They will go somewhere else to do it if they do not have a degree of certainty.

I will not pretend this bill is a cure-all for all of our public land needs but it is a start. It will help. It is an equity thing. Even the film industry thinks that it should pay a reasonable fee for using the public lands.

So this is one of those rare bills where I think everyone has the chance to come out a winner and, therefore, I urge its adoption. I do not believe there is any objection to this. I think we have worked out the kinks and I think it will work very well for us. Again, I would repeat, Mr. Speaker, I urge its adoption.

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

Mr. FALEOMAVAEGA. Mr. 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 Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2993, 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. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2933, the bill just passed.

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

There was no objection.

SALE, LEASE OR EXCHANGE OF IDAHO SCHOOL LAND

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4166) to amend the Idaho Admission Act regarding the sale or lease of school land.

The Clerk read as follows:

H.R. 4166

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

SECTION 1. SALE, LEASE, OR EXCHANGE OF IDAHO SCHOOL LAND.

The Act of July 3, 1890 (commonly known as the "Idaho Admission Act") (26 Stat. 215, chapter 656), is amended by striking section 5 and inserting the following:

"SEC. 5. SALE, LEASE, OR EXCHANGE OF SCHOOL LAND.

"(a) SALE.—

"(1) IN GENERAL.—Except as provided in subsection (c), all land granted under this Act for educational purposes shall be sold only at public sale.

"(2) USE OF PROCEEDS.—

"(A) IN GENERAL.—Proceeds of the sale of school land—

"(i) except as provided in clause (ii), shall be deposited in the public school permanent endowment fund and expended only for the support of public schools; and

"(ii)(I) may be deposited in a land bank fund to be used to acquire, in accordance with State law, other land in the State for the benefit of the beneficiaries of the public school permanent endowment fund; or

"(II) if the proceeds are not used to acquire other land in the State within a period specified by State law, shall be transferred to the public school permanent endowment fund.

"(B) EARNINGS RESERVE FUND.—Earnings on amounts in the public school permanent endowment fund shall be deposited in an earnings reserve fund to be used for the support of public schools of the State in accordance with State law.

"(b) LEASE.—Land granted under this Act for educational purposes may be leased in accordance with State law.

"(c) EXCHANGE.—

"(1) IN GENERAL.—Land granted for educational purposes under this Act may be exchanged for other public or private land.

"(2) VALUATION.—The values of exchanged lands shall be approximately equal, or, if the values are not approximately equal, the values shall be equalized by the payment of funds by the appropriate party.

"(3) EXCHANGES WITH THE UNITED STATES.—

"(A) IN GENERAL.—A land exchange with the United States shall be limited to Federal land within the State that is subject to exchange under the law governing the administration of the Federal land.

"(B) PREVIOUS EXCHANGES.—All land exchanges made with the United States before the date of enactment of this paragraph are approved.

"(d) RESERVATION FOR SCHOOL PURPOSES.—Land granted for educational purposes, whether surveyed or unsurveyed, shall not be subject to preemption, homestead entry, or any other form of entry under the land laws of the United States, but shall be reserved for school purposes only.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, I rise today in support of legislation that is very important to the State of Idaho. H.R. 4166, introduced by my distinguished colleague, the gentleman from Idaho (Mr. CRAPO), would amend the Idaho Admissions Act regarding the sale or lease of school land.

Mr. Speaker, when Idaho was granted statehood back in 1890, the U.S. Government designated millions of acres of land within the State as an endowment to Idaho's schoolchildren. This was a common practice at the time, and many other western States, including my own State of Utah, has similar provisions in their statehood act.

These State school lands are, by law, to be managed to provide revenue for the schools. When the lands are sold or leased or whatever, the money goes into a trust fund that produces a stream of income for the schools. This money is very important to the schoolchildren of Idaho.

The people of the State of Idaho have been working on ways to get more revenue from these lands and have found ways to ensure that their trust funds provide a better stream of income. Some of these reforms have been implemented. However, some cannot be implemented until we amend the Idaho Admissions Act to give them the authority to make these changes.

Mr. Speaker, H.R. 4166 would amend the Idaho Admissions Act to give the State of Idaho the flexibility they need to make these changes. The legislation is in everyone's best interest and is in particularly the best interest of Idaho's schoolchildren. I urge my colleagues to support it.

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

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

Mr. Speaker, I want to thank the gentleman from Utah, the chairman of our Subcommittee on National Parks and Public Lands of the Committee on Resources, for his management of this legislation, and certainly the gentleman from Idaho (Mr. CRAPO) for his sponsorship of this bill.

Mr. Speaker, this bill, as introduced by the gentleman from Idaho, would amend the Idaho Admissions Act to make certain changes regarding the sale and exchange or lease of lands granted to the State of Idaho for the benefit of schools.

The purpose of the exchanges, as I understand them, is to generate additional income for Idaho's permanent endowment fund. The State of Idaho has already modified State law in order to implement these changes; however, the Idaho Admissions Act must also be amended in order to conform to these changes.

Simple as that, Mr. Speaker. I urge my colleagues to support this legislation.

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

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the gentleman from Idaho (Mr. CRAPO), the author of the bill.

Mr. CRAPO. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. Speaker, this is a very important bill for Idaho, as has already been said, but it is an interesting opportunity. This is an opportunity for us to generate increased revenues for Idaho public schools, with no tax increase and with simply a reformed management of our public lands.

Before I go further, I want to give my sincere thanks to my colleague, the gentlewoman from Idaho (Mrs. HELEN CHENOWETH) for her strong support and advocacy not only for this legislation but for the young people of Idaho, as we have fought here to make sure our policies in Washington give us the best opportunity for our children in Idaho.

H.R. 4166 is going to provide the State of Idaho the ability to increase funding for public education by at least $20 million, if not much more, annually, by restructuring the management of our endowment lands.

In 1890, when Idaho was made a State, about 3½ million acres of land as a permanent endowment were given to the State to help the children throughout this century and beyond. Today, that endowment has a value of about $2.7 billion, with an accompanying endowment fund worth about another $700 million, a total value of about $3.4 billion. And yet, after evaluation, our Governor found its return was only about 3.3 percent, just barely keeping up with the rate of inflation. If that rate of performance could be increased by just 1 percent, it could generate as much as $30 million of extra dollars for Idaho schoolchildren.

Because of that, Idaho's Governor Phil Batt appointed a Governor's Committee on Endowment Fund Investment Reform to look into what could be done. And that committee, chaired by Doug Dorn, reviewed the current structure of our endowment lands and evaluated what simple commonsense approaches we could find to improve the performance for our school children without raising taxes.

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H.R. 4166 is one of the reforms that this committee has suggested. I again have to give credit to Governor Batt, to the gentlewoman from Idaho (Mrs. CHENOWETH) and to the others who have worked so hard to make this legislation a reality today. The changes that are proposed allow Idaho to manage its resources in a more effective way that will benefit the school children of Idaho and give us the ability to more clearly strengthen our future.

Mr. Speaker, it is a privilege to be the sponsor of this legislation. I encourage all of my colleagues here in the House to support this legislation.

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

Mr. HANSEN. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Idaho (Mrs. CHENOWETH).

Mrs. CHENOWETH. Mr. Speaker, I want to thank the gentleman from Utah for yielding time, and I want to thank my colleague from Idaho for his outstanding leadership on this issue that is very, very important to our State. As my colleague from Idaho moves to other endeavors this next year, we will miss his leadership in this body.

I rise right now in wholehearted support for H.R. 4166, a bill to amend the Idaho Admission Act. The most important commodity that we have, Mr. Speaker, is our Nation's children. By providing our children with the best possible education, we provide our Nation with a future that will allow it to continue to be a leader, the leader of the free world. But that future rests on our children and the kind of work that we can do for them today. H.R. 4166 takes a positive step in that direction in our State.

H.R. 4166 amends the 1890 Idaho Admission Act so that Idaho can better invest the funds gained from the leasing of the State's 2.5 million acres of endowment lands. This change could provide as much as $30 million more for Idaho schools, for construction, for hiring new teachers or wiring classrooms for the Internet without raising new taxes.

As my colleague from Idaho has previously stated, this proposal has been thoroughly debated by all parties and passed nearly unanimously in the Idaho legislature. This bipartisan effort will give education in Idaho a boost without raising taxes. Clearly Idaho's children are the winners here.

I wish to thank the gentleman from Utah (Mr. HANSEN) and the gentleman from Alaska (Mr. YOUNG) as well as the gentleman from California (Mr. MILLER), the gentleman from American Samoa (Mr. FALEOMAVAEGA) and the gentleman from Oregon (Mr. DEFAZIO) for agreeing to allow this bill to come to the floor in an expedited manner. Most importantly I would like to thank Governor Batt for his diligent efforts on behalf of Idaho's children. Without his vision on how to gain more money for Idaho's schools and without raising taxes on the State's taxpayers, we would not be here.

I urge all of my colleagues to support this very valuable piece of legislation, valuable to our State.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4166.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the legislation just passed.

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

There was no objection.

MEMORIAL TO HONOR MAHATMA GANDHI

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4284) to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia.

The Clerk read as follows:

H.R. 4284

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

SECTION 1. AUTHORITY TO ESTABLISH MEMORIAL.

(a) IN GENERAL.—The Government of India may establish a memorial to honor Mahatma Gandhi on the Federal land in the District of Columbia.

(b) COOPERATIVE AGREEMENTS.—The Secretary of the Interior or any other head of a Federal agency may enter into cooperative agreements with the Government of India to maintain features associated with the memorial.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The establishment of the memorial shall be in accordance with the Commemorative Works Act (40 U.S.C. 1001 et seq.), except that sections 2(c) and 6(b) of that Act shall not apply with respect to the memorial.

(d) LIMITATION ON PAYMENT OF EXPENSES.—The Government of the United States shall not pay any expense of the establishment of the memorial or its maintenance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume. H.R. 4284 is a bill introduced by the gentleman from Florida (Mr. MCCOLLUM). The gentleman from Florida is to be commended for working very hard to craft a bill that will recognize and memorialize one of the great world leaders of our time. H.R. 4284 would authorize the Government of India to establish a memorial to honor Mahatma Gandhi on Federal property in the District of Columbia and would be in basic accordance with the Commemorative Works Act. The memorial is to be a gift to the people of the United States as a part of the celebration of India's 50 years of freedom.

Mahatma Gandhi was born in India in 1869. He was best known for his civil disobedience that took shape in nonviolence and passive resistance and was instrumental in helping India achieve its independence from England. He is revered by millions throughout the world for his unending fight for personal freedom and human rights. H.R. 4284 would allow the country of India to create the Mahatma's memorial within the District of Columbia to honor this great man. Furthermore, this bill will also authorize the Secretary of the Interior to enter into cooperative agreements with the Government of India in order to maintain features associated with the memorial. Of note, the Federal Government shall not pay any expenses for the establishment or maintenance of this memorial.

Mr. Speaker, H.R. 4284 is a worthy bill which will recognize an important and great world leader within the boundaries of Washington, D.C.

I urge my colleagues to support H.R. 4284.

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

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

Mr. Speaker, H.R. 4284 is a companion measure to H.R. 1390 as it was introduced by my colleague the gentleman from New Jersey (Mr. PALLONE). I also want to thank the gentleman from Florida (Mr. MCCOLLUM) in providing for this joint measure.

The legislation authorizes the Government of India to establish a memorial to honor Mahatma Gandhi on Federal lands across the street from the embassy of India here in Washington, D.C.

Mr. Speaker, Mahatma Gandhi, as everyone knows, is internationally renowned as a great leader and for his teachings of passive resistance and noncooperation in his native India. Perhaps this may be noted as one of the dark pages of the British colonial rule at the time, the fact that they were very reluctant to grant independence and freedom to the people of India. As some of my colleagues and perhaps even the American public may have seen, one of the great movies ever done on the history of this great man, Mahatma Gandhi, a graduate of Oxford University, started his early practice in South Africa, and an attorney by profession turned, the fact that here was this man who paid a first-class ticket on a train and with this British officer noted that here was an Indian sitting in a first-class cabin was insulting to this British officer. The rest is history, Mr. Speaker, given the fact that Mahatma Gandhi was not only beaten by these British officers, but it changed his entire life and seeing that his people were certainly under suppression by British colonial rule.

This movement of nonviolence, Mr. Speaker, as noted also by my colleagues, had tremendous influence even on the civil rights movement here in America. The fact that the great American Martin Luther King, Jr. was tremendously influenced not only by the teaching but by the example that Mahatma Gandhi had lived for in his life in trying to set the people of India free from British colonial rule.

Mr. Speaker, it was my privilege months ago with the chairman of the Committee on International Relations when we visited New Delhi, India to commemorate the 50th anniversary of the independence of India and to again not only remind the Indian people among the leaders but to see the tremendous contributions that this Indian leader had given not only to his own country but certainly to the world. And the fact that as a result of what Mahatma Gandhi has done, Mr. Speaker, we have 980 million people living in India, the largest or the most populous democracy in the world, is a demonstration of not only the commitment of Mr. Gandhi to see that his people be let free from British colonial rule is an example; and even more so in the fact that our own country was tremendously influenced not only by this man who happens to be an Indian but the fact that Martin Luther King, Jr.'s own writings, own example in the civil rights movement was greatly influenced by this.

Mr. Speaker, I think this legislation is most proper and appropriate and we see that there should be a memorial built here, in the premises here in Washington, D.C.

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

Mr. HANSEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Florida (Mr. MCCOLLUM), the sponsor of this legislation.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman for yielding time. I really appreciate very much the chairman of this subcommittee who has brought this bill to the floor through the urging of several of us and done it in a fine form and fashion.

I rise today specifically to express my support for the passage of H.R. 4284, a bill, as I think all of us know, to allow India to establish a memorial to honor Mahatma Gandhi here in Washington, D.C.

I am joined also in this effort by my good friend and colleague the gentleman from New Jersey (Mr. PALLONE). The gentleman from New Jersey and I cochair the India Congressional Caucus, a bipartisan group that is designed to promote understanding between the United States and India.

As all of us know, India is the world's largest democracy. It has shared our commitment to freedom of speech, democratic values and the rule of law since its inception in 1947. This memorial is a positive reminder of the growing relationship between the world's oldest democracy and the world's largest democracy. The memorial is a gift to the people of the United States from the people of India in celebration of India's 50 years of freedom. It will symbolize not only the strong friendship between the U.S. and India but also the

impact that Gandhi had in the United States and in particular on the civil rights movement.

Mahatma Gandhi was known for his acts of civil disobedience which took the form of nonviolence and passive resistance. His efforts were key in helping India to achieve its independence from England and inspired leaders in the United States and throughout the world. His actions prevented unnecessary bloodshed and served as the foundation for peaceful resolution of conflict.

It is fitting that we take on this bill which commemorates the father of the nation of India during the anniversary of India's independence. We have had a growing and strong relationship with India in recent years. In the coming years it appears to me that the need for our alliance will be even greater. We are confronted with so many troubling matters in the world today, including terrorism, including the possibility of threats of chemical, nuclear and biological proliferation, and while we have some disputes with India always, and that will inevitably be the case, for the most part we are on exactly the same track. As a strong ally in the future, India will be a partner of the United States in so many ways in foreign policy that I see. In addition to that, India is an increasingly extremely important trading partner for economic interests with this country and their country. Indian Americans are very strong citizens of the United States who believe deeply in democratic values, values that are shared both in their native country and in their adopted country of the United States.

This particular legislation with this particular memorial that we are setting forth today gives us a way of saying to each other, as nations and as peoples, we have shared values and commitments. We know there are times when we will have disagreements, but those are comparatively very minor to the major agreements that we have and the shared values that we have. It is terribly important that we go forward with this bill and with our continued building of a strong relationship between India and the United States.

The government of India strongly supports the legislation. The memorial will not cost, as has been said, the taxpayers a cent. I do not know of any objections to its construction whatsoever.

Mr. Speaker, for all of the above reasons aforesaid, I urge the adoption of this bill.

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

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding time. I also want to commend and to congratulate the gentleman from New Jersey (Mr. PALLONE) who is chairman of the India Caucus for his sponsorship of this legislation as well as for the effort that he puts to increase the relationship between the United States and India.

A memorial to Mahatma Gandhi is very easy to support. As a matter of fact, as has already been indicated, he led the greatest resistance movement in a nonviolent way that the world had ever seen at that moment. And then, of course, as has already been indicated, he was an inspiration to Dr. Martin Luther King who in our modern era led the most effective nonviolent resistance movement that we have ever seen during contemporary times.

Most importantly, though, this memorial will signal even greater relationships between the two countries, the two democracies, the largest, I believe, as someone said, and the oldest. I think that that in and of itself is a tribute to all of us. And so I very greatly endorse and support this legislation and again commend the sponsor for its initiation.

□ 1630

Mr. HANSEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding this time to me. I am just so very pleased to rise in full support for this resolution H.R. 4284 that is going to allow the country of India to create the Gandhi memorial within the District of Columbia to honor this very great person.

It is true we celebrated the 50th anniversary of India. It is true, as has been stated, that it is one of the greatest democracies along with the United States. It is true that its constitution begins with "we the people," just as our Constitution does. It is true that we have a very active Indian-American caucus here, and I can see the chairman of the caucus is over there.

I want to thank the gentleman from Alaska (Mr. YOUNG) of the full committee, the chairman, for this legislation as well as the gentleman from California (Mr. MILLER), the ranking member; indeed the gentleman from Utah (Mr. HANSEN), who is the chairman of the subcommittee, and the gentleman from American Samoa, (Mr. FALEOMAVAEGA) for this.

As my colleagues know, I used to teach English and American literature, and it was Henry David Thoreau who wrote Walden and also wrote On Civil Disobedience. And in writing Walden, he talked about the mystical waters of India, of the Ganges, and what the spiritualism implied and what it meant. And in Civil Disobedience, where he spent that night in jail because he resisted peacefully something that he believed was wrong, he indicated that he attributed that this was something that was a way that we should resolve conflict.

Mr. Speaker, we know that Mahatma Gandhi looked to Henry David Thoreau when he was involved in civil disobedience in terms of peaceful resistance to what was wrong. We then know that it was Martin Luther King, Jr., who then looked to Gandhi for that continuation of that. So it all comes together in terms of the importance of Mahatma Gandhi in terms of our relationship and friendship with India, in terms of what we believe in in America and what our Indian Americans adhere to as a part of this great country.

So I commend all of the people who have been involved, I thank them very much for this resolution coming out today, and I urge the entire House to support it.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentlewoman from Maryland (Mrs. MORELLA) for her fine comments, and certainly very appropriate on the occasion of deliberating on this piece of legislation.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE), not only the chairman of the India Caucus, but certainly a great leader on this issue.

Mr. PALLONE. Mr. Speaker, I want to thank the chairman of the subcommittee and, as the gentlewoman from Maryland (Mrs. MORELLA) mentioned, the other members of the Committee on Resources for pushing this bill so we could bring it to the floor this day and get it passed and sent over to the Senate.

As my colleagues know, the sponsor of the bill, the gentleman from Florida (Mr. MCCOLLUM) co-chairs the India Caucus with me, and this is a bipartisan effort. We have over a hundred Members in our India Caucus, and this is one of the bills that we have been trying to push on a bipartisan basis throughout most of this year. We are very pleased that it is coming to the floor today.

There is a companion bill offered by Senator MOYNIHAN, who is a former U.S. Ambassador to India, that is being sponsored in the Senate, again on a bipartisan basis, so if we can get it over to the Senate, we will undoubtedly get it signed by the President before the end of this year.

As was mentioned last month, India celebrated actually the 51st anniversary of her independence, and of course the individual most closely identified with the historic and successful effort by the people of India to secure the independence from British colonialism and establish a democracy was Mahatma Gandhi. Gandhi's contributions to the causes of democracy, freedom, and human rights are felt to this day not only in India but throughout the world, including here in the United States. And that is why I think it is particularly important that we have a memorial or a monument to him here in Washington, D.C., which of course is

our Capital and the place where we celebrate democracy and the freedoms that we enjoy as the leader of the free world.

I just wanted to say very briefly, Mr. Speaker, when I was in India a couple times, I had the opportunity to go to the Gandhi ashram in Ahmadabad and also to a place where Gandhi spent a number of years in Bombay, and I was incredibly impressed with the way he organized this movement in India. There is really nothing quite like it in terms of the way he took an intellectual idea and was able to expand it to the masses of the people in India and have success in throwing off the yoke of colonialism.

From a practical standpoint, though, I wanted to say that this memorial will be entirely not only an appropriate addition to this city, but it will not cost the Federal Government anything. The legislation specifies that American taxpayers will not have to bear the cost of construction and maintenance. The Embassy of India will bear all costs. The National Capital Memorial Commission and the National Park Service will both have very active consultative roles, ensuring that it will add to the beauty of our capital and blend in well with the surrounding area.

The location of the tract of land where the memorial will be erected is close to the Embassy of India. It has been selected because the location would be in keeping with the Commemorative Works Act for location of commemorative works as subjects of lasting historical significance to the American people, and I wanted to point out that the proposed monument was approved last June by the National Capital Memorial Commission.

So, Mr. Speaker, this city is a city of great monuments and memorials, and we are just very happy on behalf of the India Caucus to have this addition added to those commemorative monuments.

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

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

Mr. Speaker, I just wanted to make another note of the fact that in our Nation we have over 1 million Indian Americans living in our country that make tremendous contributions to their local communities and to the several States, and the fact that the gentleman from Florida (Mr. MCCOLLUM) and the gentleman from New Jersey (Mr. PALLONE) are both co-chairs of the India Caucus. I think it is a tribute to the over 1 million Indian Americans that live in our own Nation that show such diversity that we provide to our community and the citizens here.

Mr. GEPHARDT. Mr. Speaker, I rise in strong support of H.R. 4284, a bill to authorize the establishment of a memorial to Mahatma Gandhi here in the nation's capital.

Born October 2, 1869 in Probandar, western India, Mahatma Gandhi was the preeminent leader of Indian nationalism and advocate of nonviolence in the 20th century. Appealing to reason, justice, and tolerance, Gandhi served as a powerful and effective force in bringing about Indian independence through his teaching of nonviolent civil disobedience.

In many ways, India's independence and strength today owes much to the conviction and courage of Mahatma Gandhi. Gandhi's leadership in promoting peaceful social and political change has inspired many around the world and sustained efforts for the improvement of civil and human rights worldwide. He has won the affection of so many, including revered American leaders like civil rights advocate Martin Luther King, for his tireless efforts to improve social equality. In addition to playing a pivotal role in creating modern India, Gandhi's work provides a model for generations to come.

Today's measure builds on earlier Congressional efforts to honor Gandhi. In 1994, on the occasion of the 125th anniversary of Gandhi's birth, I authored a resolution to honor Gandhi's unwavering dedication to India's people and a man whose name has come to symbolize freedom and justice around the world.

On the occasion of the 50th anniversary of its India's independence, it is both fitting and appropriate that we honor Gandhi's legacy with the establishment of a memorial in the nation's capital, where people from all around the world can gather to commemorate and reflect on Gandhi's life and vision. I am proud to join my colleagues in voting for this important measure.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4284.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and add extraneous material on H.R. 4284.

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

There was no objection.

IRRIGATION PROJECT CONTRACT EXTENSION ACT OF 1998

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2795) to extend certain contracts between the Bureau of Reclamation and irrigation water contractors in Wyoming and Nebraska that receive water from Glendo Reservoir, as amended.

The Clerk read as follows:

H.R. 2795

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 "Irrigation Project Contract Extension Act of 1998".

SEC. 2. EXTENSION OF CONTRACTS.

(a) IN GENERAL.—The Secretary of the Interior shall extend each of the water service or repayment contracts for the Glendo Unit of the Missouri River Basin Project identified in subsection (c) until December 31, 2000.

(b) EXTENSIONS COTERMINOUS WITH COOPERATIVE AGREEMENT.—If the cooperative agreement entitled "Cooperative Agreement for Platte River Research and other Efforts Relating to Endangered Species Habitats Along the Central Platte River, Nebraska", entered into by the Governors of the States of Wyoming, Nebraska, and Colorado and the Secretary of the Interior, is extended for a term beyond December 31, 2000, the contracts identified in subsection (c) shall be extended for the same term, but not to go beyond December 31, 2001. If the cooperative agreement terminates prior to December 31, 2000, the contracts identified in subsection (c) shall be subject to renewal on the date that the cooperative agreement terminates.

(c) CONTRACTS.—The contracts identified in this subsection are—

(1) the contract between the United States and the New Grattan Ditch Company for water service from Glendo Reservoir (Contract No. 14-06-700-7591), dated March 7, 1974;

(2) the contract between the United States and Burbank Ditch for water service from Glendo Reservoir (Contract No. 14-06-700-6614), dated May 23, 1969;

(3) the contract between the United States and the Torrington Irrigation District for water service from Glendo Reservoir (Contract No. 14-06-700-1771), dated July 14, 1958;

(4) the contract between the United States and the Lucerne Canal and Power Company for water service from Glendo Reservoir (Contract No. 14-06-700-1740, as amended), dated June 12, 1958, and amended June 10, 1960;

(5) the contract between the United States and the Wright and Murphy Ditch Company for water service from Glendo Reservoir (Contract No. 14-06-700-1741), dated June 12, 1958;

(6) the contract between the United States and the Bridgeport Irrigation District for water service from Glendo Reservoir (Contract No. 14-06-700-8376, renumbered 6-07-70-W0126), dated July 9, 1976;

(7) the contract between the United States and the Enterprises Irrigation District for water service from Glendo Reservoir (Contract No. 14-06-700-1742), dated June 12, 1958;

(8)(A) the contract between the United States and the Mitchell Irrigation District for an increase in carryover storage capacity in Glendo Reservoir (Contract No. 14-06-700-1743, renumbered 8-07-70-W0056 Amendment No. 1), dated March 22, 1985; and

(B) the contract between the United States and the Mitchell Irrigation District for water service from Glendo Reservoir (Contract No. 14-06-700-1743, renumbered 8-07-70-W0056) dated June 12, 1958; and

(9) the contract between the United States and the Central Nebraska Public Power and Irrigation District for repayment of allocated irrigation costs of Glendo Reservoir

(Contract No. 5-07-70-W0734), dated December 31, 1984.

(d) STATUTORY CONSTRUCTION.—Nothing in this section precludes the Secretary of the Interior from making an extension under subsection (a) or (b) in the form of annual extensions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, H.R. 2795 provides for the extension of certain contracts between the Bureau of Reclamation and irrigation water contractors in Nebraska and Wyoming that receive water from Glendo Reservoir.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. BARRETT) who is the author of the bill.

Mr. BARRETT of Nebraska. I thank the gentleman for yielding this time to me, and, Mr. Speaker, I rise today in full support of H.R. 2795, the Irrigation Project Contract and Extension Act. The bill is vitally important to many, including several irrigation projects in my district.

Let me first thank the subcommittee chairman, the gentleman from California (Mr. DOOLITTLE), for his work and the work of his staff in bringing the bill to the floor today; also to the gentlewoman from Wyoming (Mrs. CUBIN) and to her staff as well for their diligence and hard work in this matter. Representative CUBIN and I introduced this bill last November, and there have been many days since that we struggled with whether or not the bill would come to the floor. I again thank the gentleman from California (Mr. DOOLITTLE) and others for their work, and that is why I am so especially pleased to encourage my colleagues to support the bill today.

The Irrigation Project Contract Extension Act would extend for 2 years the contracts between the Bureau of Reclamation and several different kinds of water users in Nebraska and Wyoming, and earlier this year a memorandum of agreement was signed by Nebraska, Colorado, Wyoming and the U.S. Fish and Wildlife Service. The MOA requires a study of endangered species' habitats along the Platte River. The water users, including four irrigation districts in Nebraska, will be a part of this study, but the study will not be completed until the year 2000, and during that time the water contracts of course will have expired. Well, this bill provides additional time so that the water users would not have to conduct a separate and superfluous ESA study before the end of the year.

So again I thank the subcommittee chairman, the gentleman from California (Mr. DOOLITTLE) and I urge my colleagues to support H.R. 2795.

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

Mr. Speaker, I rise in support of H.R. 2795. In addition to providing for continued water deliveries to irrigators, this legislation will allow work to continue on the environmental impact statement, our plan to improve wildlife habitat in the central Platte region in Nebraska. Endangered Species Act compliance will also continue during the term of the contracted extension. The committee agreed to the amendments suggested by the administration which ensure that the water contracts are not extended indefinitely. It is my understanding the administration has no objection to the enactment of the bill as reported by the Committee on Resources. I thank the chairman of the Subcommittee on Water Power for his cooperation, and I urge my colleagues to support H.R. 2795.

Mrs. CUBIN. Mr. Speaker, I am pleased that the House is considering this legislation today under suspension of the rules. It is vital that both the House and the Senate act on it and send it to the President in order to ensure that water contracts for the Glendo Unit of the Pick Sloan Missouri River Basin program don't expire.

This legislation is supported by the Administration and by extending the water contracts, H.R. 2795 will improve the Interior Department's ability to complete the environmental impact statement on a plan to provide additional river flow and improve the habitat for the benefit of the whooping crane, interior least tern, piping plover and the pallid sturgeon in the Central Platte Region in Nebraska. In addition, contract extension will enable appropriate consultation to take place consistent with the Endangered Species Act.

I'd like to thank Representative BARRETT for all his efforts on this legislation. He and his staff have worked very hard to get this bill enacted. Thanks also to Representative DOOLITTLE for moving the bill out of his Subcommittee and through the Resources Committee. This is an important initiative and one which merits the support of everyone in this chamber.

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

Mr. DOOLITTLE. I have no more requests for time, Mr. Speaker, and 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. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 2795, 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. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2795, the bill just passed.

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

There was no objection.

AUTHORIZING THE CONSTRUCTION OF TEMPERATURE CONTROL DEVICES AT FOLSOM DAM

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4079) to authorize the construction of temperature control devices at Folsom Dam in California, as amended.

The Clerk read as follows:

H.R. 4079

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

SECTION 1. AUTHORIZATION TO CONSTRUCT TEMPERATURE CONTROL DEVICES.

(a) FOLSOM DAM.—The Secretary of the Interior is hereby authorized to construct in accordance with the draft environmental impact statement/environmental impact report for the Central Valley Supply contracts under Public Law 101-514 (section 206) and the report entitled "Assessment of the Beneficial and Adverse Impacts of Operating a Temperature Control Device (TCD) at the Water Supply Intakes of Folsom Dam", a temperature control device on Folsom Dam and necessary associated temperature monitoring facilities. The temperature control device and said associated temperature monitoring facilities shall be operated as an integral part of the Central Valley Project for the benefit and propagation of fall-run chinook salmon and steelhead trout in the American River, California.

(b) DEVICE ON NON-CVP FACILITIES.—The Secretary of the Interior is hereby authorized to construct or assist in the construction of 1 or more temperature control devices on existing non-Federal facilities delivering Central Valley Project water supplies from Folsom Reservoir and necessary associated temperature monitoring facilities. These costs of construction of temperature control device and associated temperature monitoring facilities shall be nonreimbursable and operated by the non-Federal facility owner at its expense, in coordination with the Central Valley Project for the benefit and propagation of chinook salmon and steelhead trout in the American River, California.

(c) AUTHORIZATION.—There is hereby authorized to be appropriated for the construction of a temperature control device on Folsom Dam and necessary associated temperature monitoring facilities the sum of $5,000,000 (adjusted for inflation based on October 1997 prices). There is also authorized to be appropriated for the construction of a temperature control device on existing non-Federal facilities and necessary associated temperature monitoring facilities the sum of $1,000,000 (October 1997 prices). There is also authorized to be appropriated, in addition thereto, such amounts as are required for operation, maintenance, and replacement of the temperature control devices on Folsom Dam and associated temperature monitoring facilities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

California (Mr. DOOLITTLE) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

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

Mr. Speaker, the primary purpose of H.R. 4079 is to authorize the construction of a temperature control device on Folsom Dam. The dam is located about 20 miles upstream from the city of Sacramento, California on the American River. A temperature control device is needed to allow the diversion of municipal water supplies from a point higher in the water column in the Folsom Reservoir than is now possible with the existing municipal water intakes. By diverting the water high on the water column, cold water can be released into the lower American River for steelhead and fall-run chinook salmon during the critical July through October period of the year when water temperatures tend to reach their annual highs. I would urge an aye vote on this bill.

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

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

Mr. Speaker, I rise in support of H.R. 4079 which will authorize Federal and non-Federal projects at the Bureau of Reclamation's Folsom Dam Reservoir. These projects are intended to help and control and monitor the temperature of water released from Folsom Dam so the fish may benefit from the releases of cooler water. The amount authorized by H.R. 4079 for the temperature control devices at Folsom Dam is $5 million, although no specific requirements for reimbursing of these costs are set forth in the bill. It is my understanding the Bureau of Reclamation will consider these costs as capital improvements to the CVP project and will allocate the costs among CVP water and power customers in accordance with current CVP cost allocation procedures.

The cost estimate report prepared by the Congressional Budget Office on H.R. 4079 clearly states that, quote, about 4 million, end quote, of the cost of constructing temperature control devices and monitoring apparatus at Folsom Dam would be repaid by the water and power users. With this understanding regarding the reimbursement of costs, the administration has advised us they do not object to this legislation. The control of water temperatures released from dams is a proven and cost-effective method of improving survival of fish.

□ 1645

I thank the chairman of the Subcommittee on Water and Power for his commitment to this legislation, and I urge my colleagues to support H.R. 4079.

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

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 4079, 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. DOOLITTLE. 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. 4079, the bill just passed.

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

There was no objection.

CONGRATULATING MARK MCGWIRE FOR BREAKING THE MAJOR LEAGUE BASEBALL SINGLE-SEASON HOME RUN RECORD

Mr. MICA. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the resolution (H. Res. 520) congratulating Mark McGwire of the St. Louis Cardinals for breaking the Major League Baseball single-season home run record, and ask for its immediate consideration in the House.

Mr. Speaker, I further ask unanimous consent that the debate on the resolution be confined to 40 minutes, equally divided between myself and the gentleman from Maryland, (Mr. CUMMINGS).

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 520

Whereas the game of baseball is America's national pastime;

Whereas one of the grandest records in baseball, and indeed in all sport, is the record for the most home runs hit in a single Major League Baseball season;

Whereas during the 1998 Major League Baseball season, Mark McGwire of the St. Louis Cardinals and other fine players have challenged the Major League Baseball single-season home run record, bringing great excitement to the 1998 Major League Baseball season and capturing the imagination of the people of the United States and baseball fans around the world;

Whereas Mark McGwire of the St. Louis Cardinals has been subjected to intense pressure and media scrutiny, but has conducted himself with uncommon grace, class, and dignity, and has been a first-rate role model for the young people of St. Louis, the State of Missouri, and the United States; and

Whereas on September 8, 1998, Mark McGwire of the St. Louis Cardinals hit his 62nd home run of the 1998 Major League Baseball season, breaking the Major League Baseball single-season home run record: Now, therefore, be it

Resolved, That the House of Representatives congratulates and commends Mark McGwire of the St. Louis Cardinals—

(1) for breaking the Major League Baseball single-season home run record;

(2) for bringing great excitement to the 1998 Major League Baseball season; and

(3) for being an inspiration to the youth of America and the world and baseball fans everywhere.

The SPEAKER pro tempore. Pursuant to the unanimous consent request, the gentleman from Florida (Mr. MICA) and the gentleman from Maryland, (Mr. CUMMINGS), each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 520.

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

There was no objection.

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

Mr. Speaker, I am pleased this afternoon to congratulate my colleague, the gentleman from Missouri (Mr. TALENT), for introducing this resolution.

On September 8, 1998, Mark McGwire broke the Major League baseball record for home runs in a single season and joins such immortals as Babe Ruth and Roger Maris as legends of our national past time. But, Mr. Speaker, when America watched Mark McGwire pursue, and then break, Roger Maris's single-season home run record, we witnessed far more than a spectacular athletic achievement and a sportsmanship achievement. In the apt words of the gentleman's resolution, the gentleman from Missouri, he stated, "Mark McGwire conducted himself with uncommon grace, class, and dignity." At all times he was, as the resolution goes on to say, a first-rate role model for the young people of our Nation.

But it is not just the young people who can learn from this athlete's example. Everyone can and should learn by his achievements and the manner in which he conducted himself.

More memorable than the home run that he hit that night was the grace with which he conducted himself, the joy with which he greeted his young son as he crossed home plate, the great respect he showed for the Maris family, and the friendship that he and Sammy Sosa, who is also challenging the home

run record, demonstrated that night and so many millions of Americans witnessed.

It is, therefore, appropriate that Congress commend and recognize Mark McGwire for breaking this record and for the manner in which he did it.

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

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

Mr. Speaker, I also want to commend the gentleman from Missouri (Mr. TALENT) for introducing this very, very important resolution. Today we honor 2 true sportsmen, Mark McGwire and Sammy Sosa. Last week Mark McGwire tied, and then broke, Roger Maris's 61st single-season home run record, making him the new major league leader, with 62 home runs. On Sunday, Sammy Sosa hit his 62nd home run, matching McGwire and helping to propel his team to victory in a crucial game against the Brewers.

Last year, this Congress honored the lifetime achievements of another great baseball player: Jackie Robinson. Mr. Robinson would be proud to see how McGwire and Sosa have embraced and supported each other in the race to break Maris's record. McGwire and Sosa are making history, and they are doing it with respect for each other and with dignity and integrity.

Mr. Speaker, House Resolution 520 honors Mark McGwire for breaking the record for the most home runs in a season, and among other things, serving as a true role model for young people. But not only is he a role model for young people, but it has been well stated in the media that he gives somewhere in the area of $1 million per year to lift up children and to make their lives better, and for this we applaud him.

As baseball regains its popularity and more young people flock to ball fields across America, it is important that our major league players set an example of hard work, sacrifice, dignity and respect for oneself and one's other players. Mark McGwire exemplifies all of these.

Parents can speak of McGwire as not only a great ball player, but as a good man. After breaking Roger Maris's record, McGwire took time to acknowledge the Maris family who were sitting in the stands and hugged and lifted up his own son on the baseball field. Those two things, I think, sent a true message to all of us in America, and that is to never forget from whence we came and never forget those who came before us. Those were moments that all Americans could be proud of.

McGwire's contributions to baseball have been memorialized in the National Baseball Hall of Fame in Cooperstown, New York. The ball that McGwire hit his season record 62nd home run, his bat and his St. Louis Cardinals uniform are on display for current and future generations to see. Fathers and sons and daughters who journey to Cooperstown will be able to share a historic moment, a moment that will be further commemorated with this resolution in his honor. What he has done has left a spark in all Americans and has left a very, very, very important memory so that we might cherish it for our entire lifetimes.

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

Mr. MICA. Mr. Speaker, I yield 2½ minutes to the gentleman from Missouri (Mr. TALENT), the author of this resolution.

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

Mr. Speaker, I admire and appreciate the gentleman's eloquence and that of the gentleman from Maryland (Mr. CUMMINGS), and I do not know that there is a lot I can add. I just think that this resolution is important for a number of reasons. They have commented, and I think it bears repeating, on the class that Mark McGwire had throughout this whole season as he chased this record. He showed the affection that he has in his heart for his son; he showed the regard that he has for his competitor, Sammy Sosa; and that was returned time and time again. I really appreciate the gentleman from Maryland (Mr. CUMMINGS) remark because that showed how far baseball has come from the days of Jackie Robinson. Mark McGwire showed the respect that he has for baseball and for the way that he treated the Maris family, and I think all of those things justify this resolution.

I had a personal reason as well for filing it. I was able to share that evening with my 8-year-old son, and to share that moment with him when Mark McGwire hit the 62nd home run, and it struck me that the experience we had together and the way I felt afterwards when my son said it was the best night of his life, was probably shared by millions and millions of families around the country who were together watching this achievement, watching Mark McGwire chase this with such class and achieve it on that night, and they shared that memory then and they will share that memory forever. I think it deserves this memorial.

This is a class individual. None of it was a put-on. It is just the way he is. I am glad the House is taking a few moments to recognize him. I am sure everyone will support this resolution.

Mr. CUMMINGS. Mr. Speaker, I yield 1½ minutes to the gentleman from Missouri (Mr. GEPHARDT), the distinguished majority leader.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman, and I share his optimism. I want to thank the gentleman from Missouri for bringing this resolution.

Mr. Speaker, let me just first say that I have been a Cardinal fan my entire life, as I am sure my friend from Missouri has been. The night that Mark McGwire hit this home run was indeed a very important night in the life of any Cardinal fan. In fact, I was alone watching it on television and tears streamed down my face as I saw him make this accomplishment.

I think that there is a much larger meaning, however, that comes out of this, in both the case of Mark McGwire and Sammy Sosa. First, they have both shown love for their families, they have shown love for fellow human beings, and they have shown respect for other human beings who have had similar records or their families have had a connection with similar records. Those are very important messages for baseball heroes to send to the people, and I most want to be for this resolution today because of that and because of what that means to Americans and what that means to all of our people. We commend them, we honor them, and we wish them well in the days ahead.

Mr. MICA. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

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

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

In closing, Mr. Speaker, there is, in fact, baseball yet to be played this year. Perhaps there are more home runs to be hit. We really do not know yet what the new home run record will be. We do not know who will hold that title and that record. What we do know is that Mark McGwire has at all times conducted himself both as a gentleman and as a true sportsman. His athletic achievements are, in fact, a deed to be respected, but the quality of character he has demonstrated throughout this historic baseball season should be honored.

At a time, Mr. Speaker, when values, character, and professional conduct is being challenged both here in Washington and at every level across our land, it is indeed fitting that today Congress recognize a true role model, Mark McGwire.

Mr. Speaker, I ask all Members to vote for this resolution.

Mr. UNDERWOOD. Mr. Speaker, as a lifelong baseball fan, nothing has been more exciting than seeing the home run chase this year for Mark McGwire and Sammy Sosa. Not only has the race brought a great deal of excitement to this year's baseball season, the grace, dignity and good sportsmanship of these two sluggers has brought honor to sportsmanship and sports in general.

While we should salute the achievements of Mark, we must not forget that the season is not over. Indeed, the fantastic weekend performance of Sammy Sosa demonstrates that we still do not know who will be the single

season home run king until the last game is played. It also points out how Congress sometimes gets ahead of itself.

The grace of a home run swing (some 124 at last count), the kind words of mutual respect uttered by Mr. McGwire and Mr. Sosa, the thrills that have been experienced by millions of fans remind us all that human achievement brings out the best in us. Diversion and recreation is sometimes the best antidote for tough times. Amidst all the political trauma of the last few weeks, many were happy, even just for a moment, to forget it all and blissfully discuss the home run race. They have also taught us some important lessons like genuine humility which inspires us much more than stirring words. The magnificent performance of Mark and Sammy on the field has only been matched by their outstanding handling of the media attention which has been given to them. They deserve our recognition.

Mrs. EMERSON. Mr. Speaker, whether you were at the game or enjoying the moment elsewhere with family and friends, on the evening of Tuesday, September 8, 1998, America witnessed a milestone. As my hometown newspaper, the Southeast Missourian printed Wednesday morning, "In a nation that demands bigger, more, better, faster, Mark David McGwire is now a name—and an event—to be remembered."

But there is something even more memorable about Tuesday night. More memorable than Mark McGwire hugging his son, Matt, as he crossed home base. More memorable than Mark McGwire taking time to share his accomplishment with the Chicago Cubs own Sammy Sosa; and yes, even more memorable than the touching moments that Mark McGwire shared with Roger Maris' family.

Sure, hitting number 62 was great. And there isn't any Little Leaguer I know who probably didn't drift off to sleep that night thinking about what it would be like to be the "King of Swing." But what truly touched me about Tuesday night was the way the entire country came together in the last days and weeks leading up to this very special event.

When Mark MGwire belted number 62 into the record books, he put a special and indelible mark on history that will remain forever. Tuesday night, Missouri—the Heartland of America and my home—became the hallmark that represents what can be accomplished with dedication, perseverance, hard work and a little help from the Man upstairs. Mark McGwire recognized that Tuesday night and it reminded me of how proud we in the Eighth District are to call Missouri home.

But something even more magical happened when Mark McGwire smacked that ball the last 341 feet into American history. In that instant—and with the help of what ESPN has called "the nation's best fans"—the fans cheering on the Cardinals in Busch Stadium—it felt great to be an American. Again.

Now that may sound strange to some, but in a time when coverage of the examples of poor role models often overshadows the coverage of good role models, it truly is comforting that today all of America has something to be proud of. On Tuesday night, America saw the kindness, honesty and dignity of a man whose character is not measured by numbers and dollars, but by the love of a national pastime and a respect for all of those who play the game. Tuesday night it felt good to be 10-years-old again rooting for your hero. Tuesday night, it just felt good to cheer.

My dad, Ab Hermann, also played professional baseball. Even though he taught me countless lessons about life, I remember two very distinctly. First, you always have to keep your eye on the ball. Second, honesty and character really do matter. Like my colleague, J.C. Watts, another great athlete, says "character means doing what's right when nobody is looking."

Well, Mark McGwire did that. As Mike Jensen of the Standard Democrat noted on September 9, 1998, "That monumental home run will neither solve world hunger nor the issues in the Mideast. But it did remind us that sometimes good guys finish first." And Tuesday night when all America was watching, Mark McGwire, with the class befitting a "Home Run King," wrote his own story in American History. Thank you Mark, for giving all of America a story worth telling.

Mr. GEPHARDT. Mr. Speaker, I rise to salute Mark McGwire and his extraordinary feat in setting a new, single-season home run record.

Throughout this season, Americans have been treated to one of the most incredible sporting achievements of our lifetime. The single-season home run mark of 61 stood as perhaps the most awesome feat in baseball history.

I feel privileged to have been able to witness Mark McGwire in action this year—every baseball fan in America knows that they have seen something special in 1998.

Roger Maris set that record 37 years ago, topping perhaps the most impressive achievement of Babe Ruth, the best all-around player ever to take the field in professional baseball. Watching McGwire's pursuit of 62 home runs, placing him among icons like Ruth and Maris, has been a pure joy to witness.

Mark McGwire is not only an outstanding athlete, he is also a man whose conduct epitomizes good sportsmanship.

He has remained focused on his goal in the face of a media frenzy and a sea of exploding flash bulbs. And he did it with amazing grace and real class.

The chase showed something special about Mark McGwire. But it also showed me something special about the people of St. Louis. The fact that seven very lucky fans gave up progressively larger amounts of money, returning their souvenir home run balls to Number 25, showed that Cardinals fans truly are, as the magazine Baseball America called them, "The Best Baseball Fans in America."

These fans showed their true spirit when they stood and cheered not only for St. Louis' own Mark McGwire, but also for that other great athlete, the Cubs' Sammy Sosa.

Mr. Speaker, I could not be more proud to say I am from St. Louis, and I could not be more proud to say I am a Cardinals' fan. Thank you and congratulations, Mark McGwire.

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

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

The resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING SAMMY SOSA FOR TYING THE CURRENT MAJOR LEAGUE RECORD FOR HOME RUNS IN ONE SEASON.

Mr. MICA. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the Resolution (H. Res. 536) and ask for its immediate consideration in the House.

Mr. Speaker, I further ask unanimous consent that the debate time be limited to 40 minutes, equally divided and controlled by teh gentleman from Maryland (Mr. CUMMINGS) and myself.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 536

Whereas Sammy Sosa of the Chicago Cubs hit two home runs on Sunday, September 13 against the Milwaukee Brewers at Wrigley Field in Chicago;

Whereas these home runs were his 61st and 62nd of the 1998 season, tying Mark McGwire of the St. Louis Cardinals for the current major league record for home runs in one season and moving him past Roger Maris' previous single home run record, which had stood unsurpassed—and barely threatened—for 37 years;

Whereas Sammy Sosa's achievement is one of the most impressive and difficult to accomplish in the history of baseball, placing him in the very exclusive company of the national pastime's greatest home run hitters, including legends such as Babe Ruth, Hank Aaron, Roger Maris, Mickey Mantle, and Willie Mays;

Whereas Sammy Sosa's drive toward the historic home run record is part of one of the best overall performances in baseball history, which will likely include more than 150 RBIs, a batting average of over. 300, nearly 20 stolen bases, exceptional defensive play in right field and providing leadership to the Chicago Cubs in a close race for the playoffs;

Whereas throughout the intense media scrutiny and public attention that has accompanied his historic home run chase, Sammy Sosa has consistently conducted himself with dignity, modesty, and selflessness that has been an inspiration to all Americans;

Whereas as a native of the Dominican Republic, Sammy Sosa has proven to be an outstanding role model and source of pride for all residents of his native country, as well as all Latin Americans and all immigrants to the U.S. from across the globe;

Whereas throughout his record-breaking accomplishments and thrilling head-to-head race with Mark McGwire to surpass the home run milestone Sammy Sosa has embodied the talent, exuberance, team-spirit and determination that Americans associate with the very best qualities of sports and athletic competition;

Whereas while Sammy Sosa is almost certainly not done hitting home runs in 1998,

and has two more weeks to amaze all of America with tape-measure shots that delight Chicago's bleacher bums and send Cubs scattering on Waveland Avenue in pursuit of a piece of history, and Sammy Sosa will continue to enhance a proud legacy of Chicago Cubs sluggers in the tradition of Hack Wilson, Ernie Banks, Billy Williams and Andre Dawson;

Whereas on September 13, 1998, Sammy Sosa of the Chicago Cubs hit his 62th home run of the 1998 Major League Baseball season and tied the current single-season home run record: Now, therefore, be it

Resolved, That the House of Representatives congratulates and commends Sammy Sosa of the Chicago Cubs—

(1) for his amazing accomplishments and thanks him for a summer of unsurpassed baseball excitement.

The SPEAKER pro tempore. Pursuant to the unanimous consent request, the gentleman from Florida (Mr. MICA) and the gentleman from Maryland, (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. MICA).

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 536.

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

There was no objection.

□ 1700

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

Mr. Speaker, I would like to take this opportunity to congratulate the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Illinois (Mr. YATES), and the gentleman from Illinois (Mr. DAVIS) who are authors and who have introduced this resolution.

This has been indeed, as we have said, a very historic baseball season. We have not only seen Roger Maris' 37-year-old single season home run record broken, we have seen the new record tied within just a few days.

All America has watched with admiration as Mark McGwire and Sammy Sosa have challenged each other to new heights each and every day during one of the most exciting periods of baseball history. We watched as the record fell, and we watched as the new record was tied.

Sammy Sosa deserves the respect and admiration of all baseball fans for his great athletic achievement, but more importantly, Sammy Sosa has earned the esteem of all Americans for the great and dignified manner in which he has conducted himself at all times.

When Mark McGwire became the first to break Roger Maris' record, the St. Louis Cardinals were playing Sammy Sosa's Chicago Cubs. Sammy Sosa was among the first to offer his congratulations, running to congratulate Mark from his position in the outfield. A lesser man would have resented that another man will always be known as the gentleman who broke Roger Maris' record, but not Sammy Sosa.

Reflecting the highest ideals of sportsmanship and character, Sammy Sosa graciously saluted that achievement and embraced Mark McGwire warmly.

I have no doubt, Mr. Speaker, that it was because of Sammy Sosa's character that all Americans cheered when he tied this new record. I am proud to support this resolution to honor an excellent athlete and, in fact, a true gentleman.

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

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

Mr. Speaker, I first want to congratulate the gentleman from Illinois (Mr. GUITERREZ), the gentleman from Illinois (Mr. DAVIS) and the gentleman from Illinois (Mr. YATES) for introducing this very, very important resolution.

Today, this Congress pauses to salute a man named Sammy Sosa. Sammy Sosa of the Chicago Cubs is being honored today for being a fine sportsman and for conducting himself with dignity and modesty while in pursuit of Roger Maris' single season home run record. A native of the Dominican Republic, Sammy Sosa is an inspiration to Americans, Latin Americans, and all who love the game of baseball.

On Sunday, in a critical Cubs-Brewers game, Sosa caught up to Mark McGwire and hit his 62nd home run. At that moment, the Cubs were still behind, and though he was experiencing a personal victory, Sosa did not celebrate until his teammate Mark Grace hit the winning home run to end the game 11 to 10. Sosa carried Grace a few steps to the dugout, and the Cubs carried Sosa. Baseball is a team effort, and Sosa's actions exemplify just that.

Sosa is the player in Cub's history, the only player in Cub's history to hit 30 or more home runs and steal 30 or more bases in the same season. In 1997, he became the third player in team history to hit more than 25 home runs at Wrigley Field more than once. He was the first Cub in 37 years to collect more than 100 runs-batted-in in three consecutive seasons. But these statistics only speak to his athletic abilities.

Sosa supports schools and medical facilities in his homeland. He has a now famous two-finger gesture where he touches his heart for his fans, then blows two kisses, one for his mother, and one for the family and relatives back home whenever he hits a home run or has a major accomplishment in a game. This speaks to Sosa as a man, a man who has never forgotten from whence he came.

He remembers and talks about quite often when he was in the Dominican Republic as a young boy. And like many poor young people, he had to improvise. He would use a crushed up milk carton as a glove and would take a sock and ball it up real tight and use it as a ball to play baseball.

The fact is is that he now remembers those days and consistently and constantly gives back to his native Dominican Republic. He is a man who loves the game of baseball and, just as important, just like Mark McGwire, he cares about people. Sosa is a team player and a gracious winner. He is a true sportsman and is quite deserving of this wonderful and very significant honor.

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

Mr. MICA. Mr. Speaker, it is my distinct pleasure to yield 3 minutes to the distinguished gentleman from New York (Mr. BOEHLERT) who does represent the real shrine of American baseball, Cooperstown, New York.

Mr. BOEHLERT. Mr. Speaker, I thank my colleague for yielding to me, and I thank both of my colleagues and all of my colleagues who are today here paying tribute to Mark McGwire and Sammy Sosa.

All the sporting world knows that they are truly all-stars when they get on the ball field and they hit that ball. But I would suggest to everyone, as we are looking for role models, you could not have two better role models than Mark McGwire and Sammy Sosa. They are all-stars off the field as well.

I would suggest that all of my colleagues read an inspiring story that appears in today's New York Times, written by Bill Dedman. It is the story of Sammy Sosa. Just let me read one quote, because it just says so much about the man.

Sammy says "I don't want to get a big head. I was raised religious, and I'm scared what would happen to me if I did that." That is a quote from Sammy Sosa. It is a wonderful story.

Now, let me tell you, first of all, both of these gentlemen are already represented in the Baseball Hall of Fame in Cooperstown, New York. That is the shrine and mecca for baseball. For those of you who want to go to Cooperstown, and I encourage all of you to do so, take 270 north, and you go to Route 15—no, I will not give you the whole route today.

But I will tell you that, in that beautiful magnificent village of Cooperstown, New York, two very distinguished, very accomplished athletes, two great citizens, fine, decent, caring, sharing individuals are already represented. So I would encourage those who cannot get out to see Mark McGwire or Sammy Sosa play at the ball field. The season is almost over, some of us are hoping that the Cubs will really make it to the play-offs, and I know my distinguished colleague in the well will address that subject shortly.

Forevermore these fine gentlemen will be represented in the shrine of baseball in Cooperstown, New York, and I would encourage people to visit that magnificent facility and see for themselves.

Once again, let me stress that I am a baseball nut, self-proclaimed. I confess it. I am addicted to baseball. It is a wonderful way for my wife and I to sit and relax in the evening, a big bowl of popcorn and some soda and we sit and watch the game, and my Yankees are doing just fine this year, thank you, and I am excited about that.

I have to admit, in two instances recently I had tears to my eyes. One, when I saw Mark McGwire, and then after he hit the home run one of the things that happened that was so moving, Sammy ran in from the outfield, they hugged and they embraced, two great gentlemen. Then when I heard that Sammy Sosa had hit two dingers to catch up with Mark McGwire, I did not even see it, I just heard about it, and it moved me because I have such a passionate feeling about the game and what it means to this great country, but I am so excited because of the great accomplishment of these two fine gentlemen.

So I am pleased to be able to be here and share in this tribute. I thank those who have advanced it. I encourage all of my friends here in this chamber and all around the world to pay proper recognition to Mark McGwire and Sammy Sosa. Please come visit the shrine of all American baseball in Cooperstown, New York.

The article that was referred to previously is as follows:

THE MAN WHO WOULD BE MCGWIRE

HIS RIVAL IS 'THE MAN,' BUT SOSA MAY BE THE HOME RUN CHAMP

(By Bill Dedman)

CHICAGO, Sept. 14—Relaxing at home in his 55th-floor condominium before a game, Sammy Sosa is the same as at the ball park: focused by funny, exuberant but reserved. He is in a strange country, conversing in two languages, but his every movement displays a combination of confidence and humility.

He does not want to talk about his wealth, or his charity, or even to appear to be restraining the impulse. "I don't want to get a big head," he says. "I was raised religious, and I'm scared what would happen to me if I did that."

Staying humble just got harder, as Sosa's glorious weekend put him dead even in the chase for the most glamorous record in sports: most home runs in a single season. After the record had been all but conceded to Mark McGwire of St. Louis, Sosa's four home runs in three days tied him with McGwire. As Sosa's Cubs begin a series tonight in San Diego and McGwire's Cardinals played at home against Pittsburgh, each had hit 62 home runs in 150 games. (McGwire had two singles but no homers in four at-bats tonight.) Two weeks remain in the season.

"I'm rooting for Mark McGwire," Sosa said last week. "I look up to him the way a son does to a father. I look at him, the way he hits, the way he acts, and I see the person and the player I want to be. I'm the man in the Dominican Republic. He's the man in the United States. That's the way it should be."

Sammy Sosa grew up without a father in the back of a converted public hospital in San Pedro de Macoris, a dusty seaside town in the Dominican Republic. His father, Juan Montero, died when Sosa was 5. Sosa shared two bedrooms with his mother, four brothers and two sisters. To help out, he shined shoes for two pesos.

Now, at age 29, Sosa has a four-year, $42.5 million contract. Besides the condo, he has two other homes and was able to give his mother, Mireya, a house for Mother's Day. But ask him about his wealth, and he will find an excuse to leave the room. If prodded to name the favorite of all his automobiles, he will allow, "Probably the Rolls," and change the subject.

In Chicago last week, Sosa entertained guests before a night game at Wrigley Field. Wearing Versace jeans instead of Cubs pinstripes, he offered a glass of white wine and a tour of his condo—really four condos combined into one—in a tower rising above Navy Pier.

In the den, where the windows reveal Lake Michigan, Sosa's two agents occupied the sofa, eating shrimp and fielding offers for an advertising deal in Japan. In the dining room, decorated with a wrap-around view of the Loop skyline, his wife, Sonia, was setting out the good china for a lunch with friends. Their 5-year-old daughter, Keisha, was at school, and the three younger children were finishing their naps. Sammy's brothers were around, back among the eight bedrooms.

When Babe Ruth hit 60 home runs in 1927, his biographer noted his boast, "Sixty, count 'em, 60!" and Ruth's dare for anyone to match his total. Now Ruth has been matched, and bested, by Roger Maris, McGwire and Sosa. Not a braggart in the bunch.

When he came into the major leagues nine years ago, Sosa gained a reputation as a selfish player, as a flashy underachiever, "Sammy So-So." His teammates, coaches and friends say he has grown tremendously, as a baseball player, as a father and as a team player. "Sammy is showing a grace that blows my mind," said Tom Reich, who is one of his agents. "He is so intuitive. He draws everyone into his loop with his good will and generosity."

Back home in San Pedro de Macoris, there is a statue of Sosa with a fountain. In the winter he visits hospitals to deliver presents to children and schools to give new computers. They call him "Sammy Claus." Pesos thrown in his fountain are given to the shoeshine boys of Macoris.

Here in the United States, Reich and his partner, Adam Katz, are taking their time working through offers for endorsements. They will let most of the deals wait until the season is over, so as not to distract Sosa from the task at hand: helping the long-frustrated Cubs make the playoffs for the first time since 1989.

Sosa says he does not mind the greater attention that has been given to McGwire since the season began back at the end of March. As to the suggestion that his dark skin color might account for his lack of acclaim compared with McGwire's, Sosa laughs and says: "What? Come on, man, it's 1998."

The Sosas moved in to their million-dollar home in June from a smaller one a few blocks away. It appears almost unlived in, with little of the debris of life scattered about. The only book is a Spanish-language Bible by a bed. The Sosas' winter home is in Santo Domingo, the Dominican capital, about 40 miles west of San Pedro de Macoris. And they have a stopping-off place in Miami.

A few treasures are on display in the Chicago home: photos of their children. A plaque from friends in the Dominican Republic (including the President, Leonel Fernández Reyna) in honor of Sosa's record-setting 20 home runs in a single month. An award from the Cubs honoring his community service, named for his hero Roberto Clemente, whose uniform No. 21 Sosa adopted.

A plaque rests on a cabinet in the living room: "My house is small, no mansion for a millionaire. But there is room for love and there is room for friends."

Sammy and Sonia met 12 years ago in the Dominican Republic. With the help of a maid, she takes care of the children: two girls, Keisha, 5, and Kenia, 3, and two boys, Sammy Jr., nearly 2, and Michael, almost 1.

On this quiet afternoon, the children woke up just in time for a family photograph and lunch before batting practice. The children know Sosa plays baseball, but they have no idea of his fame. Occasionally, on a replay, they do see the trademark two-fingered kisses that he blows their way.

"They see me on TV and say, 'Papi! Papi!'" he said. "I am very proud of them."

Mr. CUMMINGS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. GUTIERREZ), a very distinguished gentleman, who is one of the sponsors of this legislation.

Mr. GUTIERREZ. Mr. Speaker I want to be brief so that my colleagues from Chicago have an opportunity to speak on this resolution. In particular, I look forward to the comments of my friends, the gentlemen from Illinois, Mr. DAVIS and Mr. YATES, original sponsors of this bill, who have worked with me on bringing it to the floor.

This is not the first time that the U.S. House has taken an opportunity to commend an individual who has achieved greatness, but it is perhaps the first time that a resolution has been offered about someone who has chosen to remain so humble in spite of his greatness.

Sammy Sosa is a man who has every reason to be proud of his accomplishments and who would be excused if he chose to be boastful about those facts. Instead, he prefers to go out of his way to talk about the achievements of his teammates and even those of his competitors. This is a man who has proven to young people that it is not simply important to be good at sports but to be a good sport, and who has proven in the most vivid way possible a lesson that bears repeating, that people who come to the United States to share their talents with us add to our country in ways that are profound, in ways that enrich our lives and in ways that make us all proud of this great Nation.

This resolution puts the United States House of Representatives on record that this body commends and congratulates Sammy Sosa for his prowess on the field and for his dignity off the field. In other words, even if Sammy himself will not admit it, the

U.S. Congress is prepared to tell Sammy that he is indeed the man.

Now, we hear a lot about bipartisanship here in Washington. Well, in Chicago bipartisanship has nothing to do with bringing Democrats and Republicans together. In Chicago, bipartisanship means bringing Cubs fans and White Sox fans together. As a Member of Congress who represents both a little of the north side and a little of the south side, the fact that Sammy Sosa has achieved that feat is amazing, but it goes beyond that.

He has helped bring baseball fans all across the country and all across the world together to celebrate this beautiful game, but back to that spirit of civic unity for a moment. I want to quote from someone who worked and lived baseball on both sides of Chicago, a man named Bill Veeck. Bill Veeck put down some important roots in Chicago, literally. In the 1930s Bill Veeck planted the famous ivy on the outfield wall at Wrigley Field. Later in life, Bill Veeck went on to own the Chicago White Sox, and even in the last years of his life he could be found virtually every summer afternoon sitting in the outfield bleachers at Wrigley Field.

Well, there is a quote attributed to Bill Veeck that I think says something we need to know about baseball, maybe even about life. Bill Veeck said, and I quote, "There is no sight more beautiful in the world than a ballpark full of people," and he was right. Unfortunately, Bill Veeck never saw Sammy Sosa play for the Cubs, and if he had he would have learned that there is actually one thing more beautiful than a ballpark full of people. It is when there are so many people wanting to see a game that there are hundreds, even thousands of them waiting outside the ballpark to be part of history.

For someone who has seen the highlights of recent Cub home games knows, there are people hanging out on Waveland Avenue and off the rooftops of Sheffield and all around the park, wanting to be part of the moment, to be part of history. As I say, Sammy Sosa has done more than excite a city. He has excited a country. He has excited people all over the world, especially in Latin America who love this great game.

People often say that baseball says a lot about America. It is about fair play. It is about doing your best and trying, even when the odds are against us, and in the person of Sammy Sosa we are reminded that baseball represents something else. It reminds us that baseball represents the diversity of our Nation, our country, America.

□ 1715

It reminds us that people can come to America and if they have the desire and if they have the will and if they have the optimism, they can succeed in ways that benefit us all.

Baseball shows that a team can be made up of kids from the heartland of America and from the Caribbean or Asia and even as far away as Australia. It was played in the form of stick ball in the crowded streets of Brooklyn and the West Side of Chicago where kids looked up to heroes like Hank Greenberg; by kids in the barrios of Humboldt Park of Chicago who idolized Roberto Clemente. Sammy Sosa has reminded us of that fact.

I read that Sammy Sosa has not only surpassed Roger Maris' record for home runs in a season, he has also surpassed the singer Kate Smith in the number of times someone has said "God bless America" in a single year.

Sometimes it takes someone who was born elsewhere, someone for whom America itself was not a birthright, to sum up for all of us the most patriotic of sentiments.

Mr. Speaker, Sammy is right to recognize the greatness of the United States. Today, the United States Congress recognizes him.

"To you, Sammy."

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

Mr. CUMMINGS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Illinois (Mr. DAVIS), one of the cosponsors of this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for yielding me this time. I really want to thank all of those who took the time to come and pay tribute to two great athletes, two great Americans.

Mr. Speaker, I grew up in Arkansas, which was close to Missouri, and so I grew up a Cardinals fan, next to my beloved Brooklyn Dodgers. And I remember Red Schoendienst and Stan Musial and Ray Jablonski and, later on, Curt Flood and Bob Gibson.

I was thinking of the great feat of Mark McGwire, how great it would have indeed been had Harry Caray been around to be able to make the pronouncement and say, "Look at it go." I guess it would probably have still been going even today. But, certainly, Mark is a tremendous athlete and a tremendous human being.

I am also pleased to take note of the great feat and contribution of Sammy Sosa. As has already been indicated, an individual who was content all year to kind of move in the shadows, always behind but knowing that eventually he would catch up. Always behind, but knowing that at some point there would be the evenness. Two men who emerged as great friends, complimenting each other almost on a daily basis, one not really worrying about who is going to be first, but knowing that they were both going to be winners. Because no matter which one ends up with the greatest number, they have combined their efforts to revive and revitalize the game of baseball to excite people all over the world, to put spirit and energy in a game that had lost some of its luster.

Certainly, Sammy indicated that it is not always where one comes from. As a matter of fact, he used to shine shoes, like Isaiah Thomas, the great basketball player who at one time used to shine shoes at Shine King. So, he indicated that it is not always so important where one comes from in life, but what is really important is where one is going. No matter who ends up with the highest number, both of these esteemed gentlemen have, indeed, reached the top.

Mr. Speaker, I am pleased to join with all of my colleagues in saying a hardy "thank you" to Mark McGwire and to Sammy Sosa for revitalizing the game of baseball.

Mr. CUMMINGS. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Illinois (Mr. BLAGOJEVICH).

Mr. BLAGOJEVICH. Mr. Speaker, the odds of one of us of becoming a Member of Congress are actually longer than the odds of becoming a major league ball player. I must confess if I had my druthers, I would choose to be a major league ball player. For me, the ideal job would be to play right field for the Chicago Cubs.

But I learned very early in life, Mr. Speaker, as a ball player in the Little League, that it was probably an impossible dream for me. As hard as I tried, as much as I hustled, I must confess, and perhaps my political consultants would not want me to say this, I stunk as a baseball player.

But as someone who takes vicarious joy in looking at ball players who know how to play the game, I take particular pride that Sammy Sosa happens to play for the Chicago Cubs. And I take also pride as an American in the accomplishments of Mark McGwire.

Wrigley Field is not in my congressional district. I have the parking lots across the street. The gentleman from Illinois (Mr. YATES) has the actual ball park. So when Sammy Sosa hits a home run on Waveland Avenue or goes to right field and hits a home run on Sheffield Avenue, those balls are landing in the district of the gentleman from Illinois (Mr. YATES).

But Chicago happens to be a city of immigrants. I think it is altogether fitting that Sammy Sosa and Mark McGwire both share the record at this point, and one happens to be an immigrant, because the City of Chicago and our country was built by immigrants.

Let me say that in this cynical era where sports is all about big money, and baseball has certainly not been immune to those issues, and in the era of sports agents, it is very refreshing to have two great heroes like Sammy Sosa and Mark McGwire who play the sport for the love of the game.

I do not see Mark McGwire play baseball as often as I see Sammy Sosa, but

it is clear to those of us in Chicago who watch him on a daily basis that here is somebody who plays the game the way it ought to be played, who plays it the way they used to play it in the old days, who plays it with great enthusiasm and who has an all-around style of game.

Mr. Speaker, I just would like to commend Sammy Sosa and Mark McGwire, and I would to close by raising a question about Commissioner Bud Selig of baseball. Mr. Speaker, I would say to the commissioner, "Where were you on Sunday, Mr. Commissioner? You should have been in Chicago at Wrigley Field."

Mr. MICA. Mr. Speaker, I continue to reserve the balance of my time.

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

Mr. Speaker, I enjoyed the comments of all of my colleagues on both sides. I am reminded of the story of Mr. Sosa when he was a young boy about 10 years old. His father died and he was left to help his mother take care of his seven brothers and sisters down in the Dominican Republic. There he got some rags together and some shoe shine polish and would go to the beach and he would shine people's shoes.

As fate would have it, he met a man named Bill Chase who lived on the outskirts of San Pedro, and Mr. Chase was a factory owner. He was so impressed with the shoe shine operation of the Sosa brothers, because he did it with his brother, that he would give them extra tips. He bought Sammy a glove and then he began to watch him play baseball. He was so impressed with them, that he helped them to move forward to a baseball career here in the United States.

There is so much to that story, Mr. Speaker, of how when we work together, when we bond together and lift each other up, how we can make things happen. How when we touch other people with our lives, that we can help them get to where they have to go.

But there is another important lesson in that too. So many Minor League baseball players are playing baseball right now, not knowing whether they will ever have an opportunity to come to the big leagues. But we want to salute all of them, including, of course, our friend Mark McGwire. We want to salute Sammy Sosa with a simple, simple quote. It is from a noted religious scholar named Dr. Charles Swindoll, and I think it epitomizes our two players that we honor today.

Mr. Speaker, Dr. Swindoll says, ". . . men and women of God, servant-leaders in the making, are first unknown, unseen, unappreciated and unapplauded. In the relentless demands of obscurity, character is built . . . [T]hose who first accept the silence of obscurity are best qualified to handle the applause of popularity."

Mr. Speaker, I think that statement by Dr. Swindoll certainly epitomizes and describes our two great baseball players that we honor today. And so as this Congress pauses to salute these great gentlemen, we say to Mark McGwire and to Sammy Sosa, "The Congress of the United States of America salutes you. And we thank you for bringing life to life and lifting all of us up, including our children, so that generations to come will look back on this wonderful, wonderful year and say that we too were a part of it."

Mr. Speaker, I urge all of my colleagues to join in voting for this tremendous and wonderful resolution.

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

Mr. MICA. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, first I want to take a moment to thank the gentlemen from Illinois, Mr. GUTIERREZ, Mr. YATES, and Mr. DAVIS for introducing this resolution to recognize the achievements of Sammy Sosa. I was also pleased to recognize the gentleman from Missouri (Mr. TALENT), who introduced H.R. 520 which we just considered and passed, recognizing the sports achievements of Mark McGwire.

Mr. Speaker, fortunately this year's baseball season is not over. In fact, the Cubs are competing for a spot in the playoffs. This, in fact, is good news for all Americans, for indeed we have more time for Sammy Sosa to display his baseball skills and perhaps to hit a few more exciting home runs.

More importantly, though, it means there is more time for all Americans, especially young people, to learn about grace, sportsmanship, and dignity from gentlemen who have set a great example for sportsmanship.

I think this is really important at this time in our history, because it is critical that young people have role models. Today, we as Members of Congress pay tribute to those who have displayed sportsmanship, great achievement, and helped all Americans have heroes.

Mr. Speaker, I ask my colleagues to support this resolution.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FREEMAN HANKINS POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4002) to designate the United States Postal Service building located at 5300 West Jefferson Street, Philadelphia, Pennsylvania as the "Freeman Hankins Post Office Building".

The Clerk read as follows:

H.R. 4002

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

SECTION 1. FREEMAN HANKINS POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 5300 West Jefferson Street, in Philadelphia, Pennsylvania, shall be known and designated as the "Freeman Hankins Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Freeman Hankins Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 4002 was introduced on June 5 of this year by the gentleman from Pennsylvania (Mr. FATTAH), our distinguished colleague who serves as the ranking member on the Subcommittee on Postal Service. Pursuant to the rules of the full committee, this bill enjoys the sponsorship of the entire delegation from the great State of Pennsylvania.

Mr. Speaker, I want to thank the distinguished gentleman for his leadership on this issue, for bringing forward not just this particular renaming, but one that will soon follow. In doing this, I think that the gentleman that has once again upheld the tradition that has been established both in this Congress and in previous Congresses in relegating to those very worthy individuals the honor of having a postal facility named after them.

Certainly, Mr. Hankins is, indeed, a prime example of the kind of individual that has really come to be synonymous with making this country what it has been and what we all hope it will remain to be, the greatest and longest-lived democracy on the face of the Earth.

□ 1730

He was perhaps best known for his service in the Pennsylvania State legislature, first as a Member of the House of Representatives, beginning in 1961, and then as a member of the Pennsylvania Senate in 1967, where he served until his retirement in 1989. During those nearly three decades of service,

this gentleman compiled a record that did for his community the kinds of things that all good Americans look to their government for. He did, perhaps most of all, carry forward the legislation in his State to designate Dr. Martin Luther King's birthday as a State holiday.

Over, as I said, the nearly three decades, he received numerous awards, served on so many different boards in service to that State, such as the Pennsylvania Higher Education Assistance Agency, the Pennsylvania Minority Business Development Agency, Lincoln University, and on and on and on.

I know, Mr. Speaker, the gentleman from Pennsylvania (Mr. FATTAH) will have much more to say about the particulars of this individual's achievements, and I do not want to preempt his opportunity. So let me just say that my colleague has done a service to this House, in my opinion, by bringing forward the name of Mr. Freeman Hankins for designation of this post office building, and I am honored to join with him in urging all of our colleagues to support this bill.

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

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

Let me, first of all, in a much more perfunctory way, thank the gentleman from New York (Mr. MCHUGH). I think many must realize that this is the person that this Congress has given the burden of being the legislative steward of our postal service. Some 700,000 plus Americans work for the United States Postal Service. It is an extraordinarily important element of our national economy, and which we all pat ourselves on the back for the economic success here in our country, but our economy could not function without a universal system of mail delivery. The gentleman from New York has done so much to help ensure the efficient and effective running of the world's largest and really best postal service. It is the one that is benchmarked by all of our economic competitors around the world.

I want to first of all thank him, mention to the House that we will be having a markup quite soon on some important legislation, and I know that he would like to have the House's attention on, but I take this time to let him know that I truly appreciate the work that he has done. All of us who come to the Congress, obviously, could imagine doing any number of things, but none could imagine a responsibility greater than the role that the gentleman from New York is playing.

Let me say that, obviously, I rise in support of H.R. 4002. I was in the post office that we now are going to be naming after the gentleman that I had an opportunity to follow to the State Senate. He actually preceded me in the State Senate. It is in the heart of the West Philadelphia community, the 7th senatorial district, that Freeman Hankins served for more than two decades. He also, like myself, before his service in the Senate served in the Statehouse.

He led the way, in terms of Philadelphians, and served on the board of the Pennsylvania Higher Education Assistance Agency, which is an agency I eventually had the opportunity to chair the executive board of, and which has helped over a million children in Philadelphia receive financial assistance to go on to college and to obtain a college education. But it was Freeman Hankins who helped create this entity, one of the first of its kind in the country, a State agency governed by a board of legislators. Unlike other boards, and any other board we can find in any other State, it is a State agency governed by lawmakers, with a minority of the appointments made by the governor, eight members in the Statehouse and eight in the State Senate, and is the finest student financing agency anywhere in the country.

Freeman Hankins is credited with passing the Martin Luther King Day Holiday bill but also was the spearhead in helping to develop the Minority Business Development Agency. He served on the Lincoln Board, on which I had an opportunity to later sit in his seat on the Lincoln University Board of Trustees, which is a university that we know has graduated many of the top leaders in our country.

But Freeman Hankins was not just another public servant. He was also a businessman who ran a business in west Philadelphia, a mortuary and a funeral home. He was the leader of a national association of African American funeral home directors. He was a substantially wealthy individual who, nonetheless, dedicated the majority of his time to public service. And I remember as he would take his summer vacation at his beach house in Atlantic City, we just considered that an adjunct to his district and would visit there often to chat with him about important matters.

He was a gentleman and a statesman, someone who gave honor to the State Senate in his service, and we want to take this opportunity to encourage all of my colleagues to favorably consider this bill. He is someone who, in the naming of this post office in west Philadelphia, will remind his constituents long after his passing of his service, and will remind them that the type of public official that comes along every once in a while can truly make a difference in people's lives.

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

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

In closing, let me first of all respond to the gentleman from Pennsylvania on his very gracious remarks. I have always viewed this postal subcommittee as a challenge, not as a burden. Perhaps it could have been a burden had we not had such, I think, admirable cooperation on both sides of the aisle, a recognition I think most prominently displayed by the gentleman from Pennsylvania (Mr. FATTAH) that this is a very important system, one, as he said, that really does bind our Nation together. And we all recognize that this is the kind of activity that deserves our concerted attention and our concerted care, and he has been a leader in ensuring that. I deeply appreciate the opportunity to continue to work with him and thank him for his cooperation, his input, his leadership and his comments.

I would also say, with respect to this particular bill, that we have had the opportunity, and I would argue or certainly assert, the honor to do a fair number of these this year, and I can never recall a single word of opposition to any of them. I say that not because these are automatic or that the naming process is simplistic, but rather that Members think very carefully before they bring to the floor and work on behalf of a particular nominee being designated with this naming honor. And certainly today that is shown again in this bill designating the postal facility in the honor of Freeman Hankins, and I will again say for the bill that follows as well.

So we owe our thanks to the gentleman from Pennsylvania for once again bringing to us a very worthy individual and one that, I think, is fully deserving of this particular honor. And, again, in, closing, I would proudly join with the gentleman in urging all my colleagues to support this legislation.

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4002.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MAX WEINER POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4003) to designate the United States Postal Service building located at 2037 Chestnut Street, Philadelphia, Pennsylvania, as the "Max Weiner Post Office Building".

The Clerk read as follows:

H.R. 4003

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

SECTION 1. MAX WEINER POST OFFICE BUILDING.

(a) DESIGNATION.—The United States Postal Service building located at 2037 Chestnut Street, in Philadelphia, Pennsylvania, shall be known and designated as the "Max Weiner Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the "Max Weiner Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. McHUGH. 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. 4003, the bill under consideration.

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

There was no objection.

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

Mr. Speaker, it may seem somewhat anticlimactic, because this bill is, at least in form, if not identical very similar to the one we just considered. But the individual we seek to honor is truly unique, and once again, as I said, the gentleman from Pennsylvania is to be thanked for his leadership, for his careful consideration of the nominee of Max Weiner for the designation of this particular postal facility at the address of 2037 Chestnut Street in the great city of Philadelphia, Pennsylvania. And, again, as a matter of record, pursuant to the committee rules, this bill enjoys the sponsorship of the entire delegation from the State of Pennsylvania.

Mr. Speaker, Mr. Weiner was truly, by everything that I have seen, a tremendously energetic worker for consumer rights and for consumer protection. He fought hard, so very hard, for literally thousands of Pennsylvanians who might otherwise have found themselves in so many difficult, challenging positions and situations: The loss of their homes, the loss of heat during the extraordinarily cold weather that can sometimes visit those of us who feel lucky enough to live in the northeast. He fought to protect the privacy of the underprivileged and for greater access for them to the mass transit system.

And in his endeavors he did much else as well, Mr. Speaker. He was the founder of the Consumers Education and Protective Association and the Independent Consumer Party. In short, Mr. Speaker, just time and time again the sort of individual who remained in their community, who fought hard, who worked hard not for power or glory, certainly not for money, but because, simply, they cared about their communities, but most of all cared about their neighbors and wished to make their lives a little better today than yesterday and, hopefully, their live a little better tomorrow than it was today.

Again, I will yield to the gentleman from Pennsylvania who has brought this bill to us, and with that I would thank him for his leadership and urge all of my colleagues once again, please, to support this very worthy nomination.

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

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 4003.

Mr. Speaker, let me thank the gentleman from New York for his kind remarks, and let me assure him that if Max Weiner was around today and here he would probably be outside protesting all of us for some reason or another.

Literally no less than a thousand times he has been out on the battlefield. He has filed in his lifetime probably more lawsuits against the Philadelphia Gas Works, the Philadelphia Electric Company, the Philadelphia Water Department, every State agency imaginable, fighting aggressively on behalf of individuals, and as class actions, consumers who, by some set of circumstance, based on the review of his organization, had been cheated either by the outcome or by a process, or somehow, nonetheless, even if the decision-making was correct, somehow still could not meet the burden that was being asked of them, and he would fight on their behalf.

For many, many decades he led the Consumer Education and Protective Association of Philadelphia, and one could always be assured that at least on 6 days out of a 7-day-week he would be out in front of city hall with a table, with petitions, for some cause or another. And in his latter years, well into his 70s, he started to actually have some of his greatest success at winning lawsuits against and stopping of rate increases from various utilities, and forcing people to comply with various rules and regulations and statutory requirements that had been put upon them by municipal utilities.

He also exercised his right to vote, but not as a member of the Democratic party or Republican Party. He formed his own party, the Consumer Party, and ran as their standard bearer for every conceivable office that we could imagine that was ever on the ballot in Philadelphia. But he was loved by all. Even those who he opposed knew that in his heart he was speaking on behalf of those who he felt needed someone to speak for them.

Even though he has been gone for many years now, it is his spirit, and the public spiritedness of his work that brings me to the point of offering this bill. I am thankful for having the support of all my colleagues from Pennsylvania. I think all of us probably have in our districts a Max Weiner. And if we do not, we need one, because there is often a necessity for someone to operate somewhat outside of the box and to speak on behalf of those whose voices otherwise may have been marginalized. Max Weiner did that in Philadelphia, and his work and his legacy is something that all of us from the Philadelphia community will always respect and remember.

□ 1745

Again, I am sure he would probably be even somehow railing against this Congress or the State and Senate or the Council if he was with us today about something. In the final analysis, he would probably be right, at least in the spirit of his remarks.

I thank the gentleman from New York for his cooperation and the Speaker and the majority leader to have these bills scheduled and moved. I truly appreciate their efforts.

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

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume. In closing, I could not add to the very eloquent statement of the ranking member. We indeed all need a Max Weiner in our lives. Although we are not obviously in a position to enjoy the guidance and the light that he shed during his very, very illustrious career, we can perhaps through this naming inscribe his name above the pillars of the Postal Service and remind us all of the good things that he did in his life. I thank the gentleman from Pennsylvania (Mr. FATTAH).

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

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4003.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COMMENDING VISIT OF POPE JOHN PAUL II TO CUBA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 362) commending the visit of His Holiness Pope John Paul II to Cuba, as amended.

The Clerk read as follows:

H. RES. 362

Whereas Pope John Paul II earlier this year undertook a first ever Papal visit to Cuba to speak directly to the Cuban people;

Whereas the Pope led the Cuban people in celebration throughout the island, including leading the largest open-air mass since 1959 on the last day of his visit in Jose Marti Plaza;

Whereas the Pope spoke directly with the Cuban people and the Cuban Government about the importance of fundamental human rights and the necessity for "each person enjoying freedom of expression, being free to undertake initiatives and make proposals within civil society, and enjoying appropriate freedom of association";

Whereas the Pope called for political freedom in Cuba, including a call to release "those who are isolated, persecuted, imprisoned for various offenses or for reasons of conscience, for ideas which though dissident are nonetheless peaceful";

Whereas the Pope called for greater religious freedom in Cuba and a "harmonious social climate and a suitable legislation that enables every person and every religious confession to live their faith freely, to express that faith in the context of public life and to count on adequate resources and opportunities to bring its spiritual, moral and civil benefits to bear on the life of the nation";

Whereas Cuban churches of all faiths supported the Papal visit and emerged from the visit with expectations of greater prominence and freedom to operate in Cuban society;

Whereas the Pope invoked the name of Father Felix Varela y Morales, "an undeniable patriot", who "spoke of democracy, judging it to be the political project best in keeping with human nature", and the name of Jose Marti, "a writer and a teacher in the fullest sense of the word, deeply committed to democracy and independence, a patriot, a loyal friend even to those who did not share his political program";

Whereas the Pope remembered "those people who for various reasons have left the country but still feel that they are sons and daughters of Cuba" and established that "the Cuban people should be the protagonists of their own future and destiny";

Whereas the Pope both called for greater integration of the people of Cuba into the international community and criticized the Castro Government by saying "imposed isolation strikes the people indiscriminately, making it ever more difficult for the weakest to enjoy the bare essentials of decent living"; and

Whereas the Pope challenged Cuba and the international community of nations by saying "May Cuba with all its magnificent potential, open itself up to the world, and may the world open itself up to Cuba": Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends Pope John Paul II for his visit to Cuba, for his frank criticism of the Cuban Government, and his message of hope to the Cuban people; and

(2) urges the international community to join the United States in actively supporting the freedom and democratic reforms for Cuba embodied in the Pope's homilies which have peacefully united Cubans in the common cause of liberty.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) 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.

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

There was no objection.

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

Mr. Speaker, the most telling moment of the visit by His Holiness Pope John Paul II to Cuba occurred at the beginning of his public mass at Havana. The Pope successively greeted Cuban Cardinal Jaime Ortega, the Church hierarchy, and the priests and assembled faithful to repeated applause from the crowd that filled Jose Marti Plaza.

The Pope then respectfully greeted Fidel Castro. Apart from the tiny sound of polite applause drifting from the stage over the loudspeakers, the sprawling crowd of ordinary Cubans stood in spontaneous, purposeful silence. No one applauded.

While ordinary Cubans were clearly touched by the Pope's message, the Castro regime remains unmoved. Sadly, the Catholic church and other Cuban religious leaders and laity consider to face intransigence and repression. The Cuban regime's State Security apparatus is now arresting more dissidents than were released after the Pope's visit.

In the meantime since the Pope's visit, church officials have publicly criticized the Cuban government for doing little since the Pope's visit to resolve issues that the Catholic church considers essential. Just yesterday, the New York Times reported that:

> The government of President Fidel Castro, which won praise for receiving the Pope has shown little new flexibility since then in response to church requests for greater freedom. Efforts to ease the admittance of foreign priests and nuns have made no apparent progress. Nor have pleas that the government scale back controls on Catholic social service agencies that could deliver badly needed food and medical aid from abroad.
>
> Permits for religious processions have been denied as often as they have been granted, church officials said, and hopes that the Pope's visit might open space for religious groups in the state-controlled news media have mostly been dashed.
>
> Approval of long-standing requests—to allow the opening of Catholic schools or importation of an offset press to print newsletters and magazines—seems as distant as it did in years past.

While Fidel Castro has refused to let up on the Catholic church in Cuba, here in our own Nation he continues to directly and brazenly attack American interests. The FBI announced in Miami just yesterday that 10 people have been charged with spying for the Cuban government. These Castroite agents were 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. This morning, the Washington Post reported in a front page story that U.S. Attorney Thomas Scott "described the activities of the eight men and two women as an attempt 'to strike at the very heart of our national security system.'".

The FBI has said that Castro's spies also sought to infiltrate Cuban-American groups and manipulate other political groups and the United States media. I would like to commend FBI director Louis Freeh and the FBI's Miami field office for neutralizing this illegal espionage network.

Great leaders from Franklin Delano Roosevelt to Ronald Reagan have known that good will does not move dictators. I regret that the Clinton administration chose to make a number of unconditional, unilateral concessions to the Cuban government in the wake of the recent visit by the Pope. The United States should instead be leading efforts to help the church and Cuba's internal opposition to lay the basis for a peaceful and democratic transition.

I would like to note that our ranking member the gentleman from Indiana (Mr. HAMILTON) was an initial cosponsor of this resolution and offered a compromise amendment which was approved in our committee. Accordingly, I invite my colleagues to join us in adopting this resolution.

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

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume. I rise in support of the resolution.

Mr. Speaker, I want to commend my colleagues the gentleman from New York (Mr. GILMAN) the chairman of the committee, the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from California (Mr. GALLEGLY) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for their willingness to work out an accurate and, I think, helpful compromise that we bring to the floor today. I appreciate that this was not an easy process, that there were some difficult decisions made, and I want to thank them for their cooperation and keeping an open mind throughout the process.

I think we bring a good resolution to the floor. It is a straightforward resolution that commends the Pope for his visit. I think you can be for his position on U.S. policy or against it; you can agree with a part of his position and disagree with other parts of it, but it does seem to me we all ought to commend his visit and his message to the Cuban people.

The compromise resolution we have before us reflects the importance of the Pope's visit in a number of ways.

First, it commends Pope John Paul II for his visit to Cuba, for his frank criticism of the Cuban government and, his message of hope to the Cuban people.

Secondly, it urges the international community to join the United States in supporting freedom and democratic reforms for Cuba embodied in the Pope's homilies.

Third, the resolution recognizes the Pope's frank criticism of the Cuban government. The Cuban government is isolating its own people, gravely limiting Cubans' freedoms and basic human rights. This isolation is unnecessary and is counterproductive and it stands in stark contrast to trends throughout the hemisphere.

Fourth and finally, the resolution makes clear that the Pope is critical of U.S. policy toward Cuba, and he has challenged us to consider the costs of that policy. U.S. policy isolates the Cuban people who are made to bear the brunt of our opposition to the Castro regime. That isolation is counterproductive to our shared goal of bringing freedom to the Cuban people.

The Pope was right to do what he did and to say what he said, and we, I think, are right to commend him. He spoke directly to the Cuban people, engaged them, as he did the people of eastern Europe. He is not trying to isolate them or coerce them. On his return, he said that the purpose of this trip was to promote the same changes in Cuba as took place after his trip to his native Poland.

I believe that the Cuban people are more hopeful for change in the aftermath of the Pope's visit, and less fearful in seeking that change. We cannot say that nothing has changed in Cuba since the Papal visit, because it is clear that the Cuban people and their expectations have changed. One only had to see scores of Cubans marching through Havana with their Patron Saint last week, for the first time in more than 30 years, to understand what is changing for Cubans.

What has not changed, unfortunately, is the Castro government. Their actions of the last week confirm what we have known for more than three decades.

We were all informed just the other day that the FBI arrested 10 persons on Saturday in Miami, saying that they are part of an espionage ring that was sent by the Cuban government to strike at the very heart of our national security system and our very democratic process.

I join in the criticism that has been made and certainly will be made of the Castro government which isolates the Cuban people and, of course, has a terrible human rights record. The capricious exercise of power last week, to arrest 13 dissidents and detain them without charge, is exactly what the Pope rightly criticized when he was in Cuba.

But this resolution is about the Papal visit. It is not about the behavior of a government that stands in stark contrast to every other government in the region. The Pope's visit had an impact on the people of Cuba that continues, I think, to return dividends, continues to grant hope and breathes life into Cuba's civil society.

The Pope's trip was a remarkable trip and I think admirable. We should not only commend him for it but we should be wise to follow his example.

I urge support of the resolution.

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

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GALLEGLY) the distinguished chairman of our Subcommittee on the Western Hemisphere.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, eight months ago, His Holiness, Pope John Paul II undertook a historic pilgrimage to Cuba. His primary mission was to reassure the faithful of that island nation that the open profession of their faith and active practice of their religious beliefs was an important right that they as Catholics should not be afraid to exercise. While in Cuba the Pope not only took a number of opportunities to highlight the important role of the church in Cuban society but on several occasions he took the opportunity to point out the failures of the Cuban regime to prevent the free exercise of views and to permit the faithful to practice their religion.

The issue of Cuba is never an easy one around here, Mr. Speaker, but as chairman of the Subcommittee on the Western Hemisphere, I introduced this resolution because I did not feel such an historic event and the potential consequences of such a visit should go unrecognized.

The bill before us today is a compromise effort which received unanimous support in our subcommittee. For that I want to again thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New Jersey (Mr. MENENDEZ) for their cooperation. I also want to commend the ranking member of the full Committee on International Relations my good friend the gentleman from Indiana (Mr. HAMILTON) for his work on this resolution.

Mr. Speaker, this legislation recognizes the Pope's visit as an important milestone in the lives of the Cuban people because the visit did set into motion a change in the relationship between the government of Cuba and the Catholic church. Beyond that, the visit has provided a new measure of hope for the people of Cuba that the church, in due time, could become an important conduit to increased economic, social and political freedom on the island.

Let there be no mistake, however, that while the Pope's visit has provided a new measure of freedom for the church, it has not significantly changed the attitude of the regime toward freedom of expression and assembly for the general population. While it is true that since the Pope's visit, many political prisoners have been released from jail, unfortunately many of those have had to leave Cuba and many others have been taken and placed in prison in their place. Obviously the Cuban regime did not get the message. For this I want to express my strong disappointment in the regime.

Despite the continued repressive attitudes of the regime, I urge my colleagues to pass this resolution to give the Pope the recognition he deserves for his visit to Cuba and to send a message to the Cuban regime that the Pope's message about truth, freedom and religious expression must be honored.

I urge my colleagues to adopt this bill.

□ 1800

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank so much the gentleman from New York (Mr. GILMAN) for his steadfast dedication, for many years of leadership on the cause of freedom and democracy to the people of my native homeland of Cuba, and those are qualities and a direction which is shared by his ranking member, the gentleman from Indiana (Mr. HAMILTON). We thank him for his patience throughout this process, for the gentleman from California (Mr. GALLEGLY), for his leadership, as well for the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from Florida (Mr. DIAZ-BALART) who also had a significant hand in the drafting of this resolution.

As all of us know, Mr. Speaker, in January of this year, the Pope went on a religious pilgrimage to Cuba to bring hope to a people oppressed, enslaved and tortured by a ruthless dictator, Fidel Castro, and his gang of thugs. It was unprecedented, and it should be recognized as such, but we should be cautious that an acknowledgment of the Pope is not manipulated into praise for a brutal regime. There were great expectations that the visit of His Holiness would somehow bring a sense of humanity to the evil that is Fidel Castro. Unfortunately, of course, it has not.

In the aftermath of this visit, many have tried to distort the Pope's message and the facts in an attempt to seek a weakening of the U.S. position against the Castro regime. These attempts are premised on the contention that the Pope's visit has resulted in significant changes by the Castro regime and has created an opening for the people of Cuba.

But make no mistake. Up to now, nothing has really changed in Cuba. While those who seek a normalization of relations with the ruthless Cuban

dictator ignore this reality, the Congress cannot and must not ignore the truth. The actions taken by the Castro regime since the papal visit clearly show that a leopard does not change his spots and a tiger its stripes.

This is the case of Dr. Oscar Elias Biscet and Rolando Illore, directors of the Lawton Foundation of Human Rights in Cuba who were arrested on July 11, 1998, for planning a commemoration of the fourth anniversary of the sinking of the 13 de Marzo tugboats. The whereabouts of these two individuals are still unknown, Mr. Speaker.

Or the case of the members of the Liga Civica Martiana who on March 30, 1998, were arrested by the Cuban revolutionary police during a meeting that was planned to honor the remembrance of the combatants of the Brigade 2506. One of the members, Wilfredo Martinez Perez, was beaten to death and murdered at the police headquarters in Havana.

Or the case of the members of the Partido Pro Derechos Humanos who on February 24, 1998, were in prison for honoring the memory of martyrs of the Brothers to the Rescue. One of them, Jose Antonio Alvarado Almeida, was sent to a local psychiatric hospital as punishment.

I ask you to listen to the Cuban people, those like Oswaldo Paya Sardinas, the national coordinator of the Liberation Christian Movement of Cuba who has stated:

> The Cuban government has made clear that certain spaces or gestures or other allowances to the church or concessions only on the occasion of the Pope's visit.

Or listen to the words of Ramon Humberto Colas, a Catholic political dissident from Las Tunas. Ramon Humberto Colas asserted: "There were 5 days of freedom, but there were just 5 days amid 40 years."

I ask my colleagues to listen to the words of Aurora Garcia Del Busto, an independent journalist in Cuba, when she says: "Cuba does not open up to the Cuban people."

We have had an opportunity to send a clear message to the Cuban dictator that we can see beyond the facade created by opponents of U.S.-Cuba policy. Honor the Pope for his efforts at bringing hope and faith to the Cuban people, but do not allow this Chamber to be used as a platform for Castro's public relations maneuvers.

Despite the Pope's visit, the reality is that the Castro regime has not changed, nor does it ever want to change. Once an oppressive dictatorship, sadly, Mr. Speaker, always an oppressive dictatorship.

Mr. HAMILTON. I have no more speakers, Mr. Speaker, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART) who is one of the sponsors of this resolution.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN), the gentleman from Indiana (Mr. HAMILTON), the gentleman from California (Mr. GALLEGLY), the gentlewoman from Florida (Ms. ROS-LEHTINEN), and the gentleman from New Jersey (Mr. MENENDEZ) who have been so helpful with this resolution.

I do support this resolution. I have had in the past, differences with my friend, the gentleman from Indiana (Mr. HAMILTON) on Cuba policy, and yet it is evident and it has always been evident that LEE HAMILTON does not in any way condone or accept nor whitewash, nor much less support, any of the brutality that Castro has been responsible for and continues to be responsible for and has been for 40 years.

Mr. Speaker, I think that this is an important resolution because basically what it does is that it restates the overwhelming support that the United States people, the American people and its representatives and the representatives in Congress have for the right of the Cuban people to be free.

Without any doubt, those were extraordinarily hopeful days in January where the Cubans felt, since the eyes of the world were upon Cuba and that extraordinary figure of this century was present, that they could not be as easily brutalized during those days. Even so, even during those days, we saw the examples of the very brave demonstrators during the Pope's Masses who were dragged off, some even pulled by their hair, young ladies, and in other demonstrations of violence, manifestations of violence by that gangster regime. Even during the Pope's Masses, those things happened.

So the essence of the regime has not changed. I think when we realize that perhaps the most distinguished, certainly the most well known Catholic leader in Cuba today, Catholic political leader in Cuba today, Oswaldo Paya was not even allowed to meet with the Pope, that political prisoners were picked up, were made prisoners, men and women were made political prisoners even during the days of the visit and that the hundreds, and I have a list of 1,500 approximately, political prisoners in my office, that they still languish, they still languish in Cuban prisons, from the most well known to some who have never received publicity. They all deserve and receive our support. We think of them.

And our policy, Mr. Speaker, is well set and is clear, and it is in law. We will maintain our policy of not trading or permitting trade with the Cuban regime as long as all political prisoners are not free, all political parties are not legalized, and free elections are not convoked. That is our policy, it is codified, and we, the American people, will continue to stand with the Cuban people.

I appreciate the opportunity for this intervention and for this resolution to have been filed.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his kind remarks in support of the resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ), a member of our committee.

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman from New York (Mr. GILMAN) for yielding this time to me.

Mr. Speaker, I rise in temperate support of H. Resolution 392, and I am happy that we were able to come to agreement with the distinguished ranking Democrat, the gentleman from Indiana (Mr. HAMILTON) on the language. However, I think that the events of the past week are evidence of how very little has changed in Cuba since the Pope's January visit. Following a religious procession through Havana, the government launched its most repressive crackdown on political dissidents this year. Thirteen individuals were detained and held by the regime for political activities related to the religious procession and the sentencing by the regime of political prisoner Reynaldo Alfaro.

The resolution accurately reflects the sentiments of Pope John Paul II's visit to Cuba and commends him for a visit that took far too many years to come to fruition. But most importantly, the resolution recognizes the historic significance of the Pope's visit, something each of us can agree with.

Now, while his visit was successful in opening a window of opportunity for the Catholic Church, as we stand here today that window is slowly closing. The absence of world attention on Cuba since his visit is largely responsible for allowing the window to close. Even the Pope has expressed concern and frustration that the initial opening for the Church provided by his visit is quickly receding.

Since January, the Cuban Government has continued to block Church access to mass media, limited public Masses and denied permits for Masses, expelled American priest, Reverend Patrick Sullivan, and forced others to flee under harassment, continued to deny autonomy to Caritas, the Church's humanitarian relief agency, restricted visas for clergy to enter and preach in Cuba, and has severely limited the ability of Cuban Protestants to worship in Cuba.

On January 31 of this year, Ricardo Alarcon, President of Cuba's National Assembly, announced that the regime will, quote, not permit the reopening of Catholic and parochial schools.

It is evident to me that Castro is seeking to undo the progress made by the Pope during his visit and return Cuba to the status quo it has lived under for almost 4 decades.

As a recent article in the New York Times pointed out:

Efforts to ease the admittance of foreign priests and nuns have made no apparent progress, nor have pleas that the government scale back controls on Catholic social service agencies that could deliver badly needed food and medical aid from abroad. Permits for religious processions have been denied as often as they have been granted, church officials said, and hopes that the Pope's visit might open up space for religious groups and the State-controlled news media have been mostly dashed.

Without continued calls for democratic change by the international community and the media spotlight on these issues, the opportunity for further change will be lost.

I think it is appropriate that we commemorate Pope John Paul's visit to Cuba and celebrate the religious opening in Cuba created as a result of his visit. But, most importantly, it is essential that the church and the international community build on his visit by refusing to allow the Cuban regime the opportunity to close that window that was open. I hope that we will not let this historic opportunity, the visit of Pope John Paul II, disappear for lack of attention. The people of Cuba deserve this long-awaited opportunity, and we can take advantage of that opportunity. But right now, people in Cuba are still suffering the very realities they were suffering before the papal visit, and while he inspired hope and opportunity, Fidel Castro is quickly closing and snuffing out that hope.

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

The SPEAKER pro tempore. All time has expired.

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 resolution, H.Res. 362, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF THE CONGRESS THAT THE PRESIDENT SHOULD RENEGOTIATE EXTRADITION TREATY WITH MEXICO

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 381) expressing the sense of the Congress that the President should renegotiate the extradition treaty with Mexico so that the possibility of capital punishment will not interfere with the timely extradition of criminal suspects from Mexico the United States.

The Clerk read as follows:

H. RES. 381

Whereas under the Extradition Treaty Between the United States of America and the United Mexican States, Mexico refused to extradite murder suspect and U.S. citizen Jose Luis Del Toro to the United States until the State of Florida agreed not to exercise its right to seek capital punishment in its criminal prosecution of him;

Whereas under the Extradition Treaty Mexico has refused to extradite other suspects of capital crimes; and

Whereas the Extradition Treaty interferes with the justice system of the United States and encourages criminals to flee to Mexico: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should renegotiate the Extradition Treaty Between the United States of America and the United Mexican States, signed in Mexico City in 1978 (31 U.S.T. 5059), so that the possibility of capital punishment will not interfere with the timely extradition of criminal suspects from Mexico to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Indiana (Mr. HAMILTON) 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 H. Res. 381.

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

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, the gentleman from Florida (Mr. MILLER) appealed to me some time ago to move this resolution which he sponsored in response to a heinous murder which occurred in his district in the State of Florida.

I recently received a letter from James Bellush whose wife Sheila was a victim of this brutal slaying, in which he wrote as follows, and I quote:

On November 7, 1997, Jose Luis Del Toro, Jr., entered my home in Sarasota, Florida and murdered my wife, the mother of 6 children. Jose Luis Del Toro murdered her in front of my 23 month-old quadruplets who watched their mother bleed to death. They were in the house with her dead bloody body for well over 3 hours until my 14 year-old stepdaughter came home from school and found this macabre scene.

Mr. Del Toro is a natural born American citizen wanted in context with this murder, and after confessing to his crimes, he fled to Mexico where he has taken refuge within the Mexican Government's interpretations of the provisions of our bilateral extradition treaty and now within Mexico's judicial system.

□ 1815

The United States-Mexico extradition treaty establishes the Mexican Government may, may refuse to extradite persons for crimes punishable by the death penalty. The words "extradition may be refused" in article 8 of the treaty, these nonmandatory words suggest that the Mexican Government could have returned Mr. Del Toro without delay.

Although the State of Florida, clearly for good reason, wished to seek the death penalty, the prosecutors in the case agreed to waive the death penalty at the Mexican Government's insistence. Now Mr. Del Toro still sits in Mexico, appealing the extradition ruling, while Sheila Bellush's family is grieving, deprived of the justice they truly deserve.

Mexico's insistence of not returning United States citizens to face the death penalty creates a safe haven for the worst criminal elements and clearly interferes with the timely extradition of these criminal suspects to our own Nation. I cannot understand the Mexican authorities' fastidiousness. In this case, they chose to refuse to return one of our own citizens to face justice for a horrific capital crime.

Mr. Speaker, let us send a message to the Mexican Government that Jose Luis Del Toro belongs before a jury of his peers under the laws of the State of Florida where he is alleged to have committed his crimes.

Accordingly, I urge my colleagues to join in strongly supporting this resolution.

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

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

Mr. Speaker, I commend the gentleman from Florida (Mr. MILLER) and other members of the Florida Delegation for bringing this issue to our attention. The murder on November 7, 1997 was a brutal and unspeakable crime. We are certainly right to want to find a way to ease the suffering of the family of the victim.

While I have reservations about the approach taken by this resolution, which I will state in a moment, I do not plan to oppose the resolution.

Mexico is one of a number of countries that demands that criminals they extradite to the United States not be subject to the death penalty. Notwithstanding this restriction, Mexico regularly extradites criminals to the United States, including suspects of capital crimes.

It is my understanding in this case that the Florida prosecutor has given the necessary assurances that Mr. Del Toro will not be subject to the death penalty. It is also my understanding that the Government of Mexico has made clear that they want to extradite Mr. Del Toro to Florida, but that the appeals process in the Mexican judicial system, not the requirement regarding the death penalty in the extradition treaty, is holding up his reckoning with the U.S. judicial system. We would all like to see him before a jury in Florida sooner, not later. Reopening

the extradition treaty will not I think hasten the arrival of that moment and will likely, more than likely further complicate this and other extraditions that we would like to see from Mexico.

Mr. Speaker, I might just say that it is my understanding that the administration opposes the resolution. Given the constitutional restrictions on the death penalty in Mexico, there is no flexibility for the Government of Mexico to renegotiate a treaty that will not require reassurances against the death penalty. The administration I think also opposes reopening the negotiations on the treaty for fear of losing what it considers important concessions that we won when the treaty was first negotiated in the 1970s. For these reasons, while I do have some reservations about H. Res. 381, I do not oppose it.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. MILLER), the sponsor of this resolution.

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

I thank the gentleman for bringing this issue before the Committee on International Relations and having it passed, and that it be brought under suspension of the rules here today and be debated and voted on. It is a very critical and very important issue to my constituents back in Sarasota, Florida, because it was a horrible, horrible crime that was committed last November.

What we are concerned with in this legislation is not so much the case of the murder of Sheila Bellush, but for the great concern we have for the future cases that happen in the future, and we would like to be able to answer that problem now.

I would also like to thank Jamie Bellush, the widower of the murder victim in this case, for his determination and his desire to protect other families from living through this judicial nightmare. It is a sad reality of life that sometimes a tragedy must occur to point out a problem that urgently needs correcting. In this case, that tragedy was the murder of Sheila Bellush, a mother of 6 from Sarasota, Florida.

On November 7 of last year, her 14-year-old daughter returned home to find her mother's body on the kitchen floor. Sheila Bellush had been shot in the face, her throat slashed, and her 2-year-old quadruplets were found crawling in her blood beside her body. It was certainly one of the most gruesome and disturbing murder scenes in Sarasota history.

Overwhelming evidence immediately pointed to Jose Luis Del Toro, a U.S. citizen born and raised in Texas. Del Toro, who had fled to Mexico, was apprehended on November 20 of last year. Sheriff Geoffrey Monge and local law enforcement did an outstanding job in conducting a thorough and expeditious investigation of this case.

This is where the horrifying international saga began. First, Del Toro was scheduled for deportation from Mexico as an illegal alien. Then the Mexican Government, under the authority of Section 8 of the U.S.-Mexico Extradition Treaty of 1978, made a calculated decision to make the death penalty an issue in this case by choosing to switch midstream to lengthy extradition procedures, rather than proceed with the appropriate deportation procedures that were already underway. More than 10 months after the murder occurred, and more than 8 months after our local prosecutor waived the death penalty in this case, Del Toro still remains in Mexico, and the Mexican Government refuses to give us even a broad time frame as to when he will be returned.

Mr. Speaker, this resolution, House Resolution 381, is intended to send a clear and resounding message to both the administration and the Mexican Government: a U.S. citizen who commits a crime on U.S. soil must be subject to U.S. justice.

Mr. Speaker, I wrote letters to Attorney General Reno and I wrote letters to Secretary Albright and no one could do anything to help. By signing the U.S.-Mexico Extradition Treaty of 1978, the U.S. tied our hands behind our back and gave Mexico the right to interfere in our judicial process. This is a loophole that the administration must act to close immediately.

Allow me to share with my colleagues a quote from a district attorney:

> To allow a vicious killer to avoid the most severe punishment by merely crossing the border into Mexico would encourage other murderers to seek refuge there, creating an easily accessible sanctuary for the very worst criminals.

This is not a quote from our State's Attorney in Sarasota, this is a quote from Gil Garcetti, the district attorney of Los Angeles. That statement was made in reference to the extradition case of David Alvarez, who fled to Mexico after allegedly committing multiple murders in California. As in the Del Toro case, Mexico demanded that Garcetti waive the death penalty. An important point to be made about this situation is that it occurred 2 months before the Del Toro case, proving that this is not an isolated situation, and that it can happen again.

Mexico might as well post a sign at the border that says, "Murderers Welcome," and I do not think that is the type of tourist industry Mexico wants to encourage.

Florida State Attorney Earl Moreland and Charlie Roberts, his Assistant State's Attorney, also need to be recognized and commended for their outstanding job on this case, and they have worked professionally and diligently to bring Del Toro to justice in spite of these frustrating and difficult circumstances that we have today.

The people of Florida should have decided whether or not Jose Luis Del Toro's crime warranted the death penalty, not the Mexican Government. As a Member of Congress, I cannot and I will not stand by quietly as Mexico deprives my congressional district of the right to pursue justice. This is an outrage. It is a violation of U.S. sovereignty, and we cannot allow it to happen again.

Mr. Speaker, this resolution sends a clear signal: Eliminate the loophole in this treaty that allows the most dangerous of criminals to escape justice. Sheila Bellush will not have died in vain if we can learn from our lesson with this experience and prevent this situation from happening again.

Mr. Speaker, I thank the gentleman for bringing this resolution to the floor.

Mr. GILMAN. Mr. Speaker, I commend the gentleman for his eloquent remarks and his strong support for this resolution.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY), a member of our Committee on International Relations.

Mr. BRADY of Texas. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations for yielding me this time.

Today I rise in strong support of House Resolution 381, and I am pleased to be a cosponsor of this resolution introduced by the gentleman from Florida (Mr. MILLER).

Mr. Speaker, this resolution is not a debate about the use of the death penalty. Officially United States policy supports the use of the death penalty, and therefore, our agreements ought to reflect it. This does not mean supporters of the death penalty, which I am one of, relish it, but believe that, in fact, in our country, in our criminal justice system, it is in some parts the only measure of justice many victims of violent crime will ever receive. Our extradition agreements ought to reflect that measure of justice.

We have a constitutional responsibility to renegotiate our extradition treaties for our constituents who have to deal with the tragic loss of a friend or family member. As Mr. Bellush writes, and as the gentleman from Florida (Mr. MILLER) talked about earlier today, Mexico unfortunately is setting itself up as a safe harbor for murders and capital criminals that commit crimes in the United States. Mr. Del Toro is an American citizen who killed another American citizen on American soil. Mexico has no business holding on to him any longer.

Mr. Speaker, this is not an isolated case. We find this an obstacle in our efforts to stop violence, money laundering, and drug trafficking across our borders, and the extradition treaty becomes an obstacle to justice in those areas as well. I am proud as a representative from Texas to share a common border with Mexico, and we share many commonalities, but we ought to respect each other's criminal justice system enough to allow the laws and the justice of each country to prevail.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations for yielding me this time. I rise in support of this resolution.

I will say that I am a little concerned about the prospect of our engaging in the idea of singling out one country, but I will say that in light of that, it is important for us to recognize that this has happened in other instances in other countries, and it is a problem, it is a very serious problem.

As has been said by several of my colleagues, I just heard the gentleman from Texas (Mr. BRADY) say that this is not an isolated case; there are several instances. I know that the gentleman from Florida (Mr. Miller), with whom I have been privileged to work on this issue for quite a while, did raise the southern California incident of David Spooky Alvarez where we had small children murdered, and again, he fled across the border, and it has been a long and very difficult, painful struggle for many people in southern California.

So we have had instances, as was said in Florida and Texas and other places, and there are other countries too that have been difficult to work with on this.

□ 1830

But I would just like to say that I believe that this resolution is in order, and it is a very appropriate thing for us to pursue.

Mr. GILMAN. Mr. Speaker, I want to thank the vice chairman of the Committee on Rules, the gentleman from California (Mr. DREIER) for his supportive remarks with regard to this measure.

Mr. DAVIS of Florida. Mr. Speaker, I rise in support of H. Res. 381 expressing the sense of the Congress that the President should renegotiate the Extradition Treaty with Mexico so that the possibility of punishment by the death penalty does not interfere with the timely extradition of criminal suspects from Mexico to the United States.

At this time, I would like to commend my fellow Floridian, Mr. MILLER, for introducing this legislation. As you have all heard, this legislation was introduced after the brutal murder of a mother in Sarasota, Florida. The evidence in this case immediately led to the accusal of Jose Luis Del Toro, a citizen of the United States from Texas. However, when the warrant was issued, Del Toro had already illegally fled the country into Mexico.

Mexican officials captured Del Toro and should have extradited him to Florida immediately to stand trial for the murder of Ms. Bellush. Under the Treaty with the United States, however, they do not have to return individuals, even those who enter their country illegally like Del Toro, when capital punishment remains a possibility.

This case should be of concern to those of us who represent border states. Easy access to Mexico provides the potential of enticing even more criminals to flee the United States in an attempt to avoid punishment for the crimes they commit.

Mr. Chairman, the most disturbing point about this case is that it tarnishes the integrity of our criminal justice system. At a time, when there is a backlog of court cases and our prosecutors are already overloaded, this case has resulted in the unnecessary delay in what prosecutors believe would have been an open and shut case. In addition, our current treaty allows foreign countries to flagrantly disregard the laws of a state because it does not agree with the punishment provided in that state. I was appalled to learn that the United States actually allows Mexico to interfere with our state judicial systems through the Extradition Treaty signed in 1978.

Allowing Mexico the right to continue to deny extradition if the suspect in question is subject to the death penalty is wrong. Our states' laws must prevail in these cases, particularly in murder cases. I strongly encourage the President to renegotiate our Extradition Treaty with Mexico so that more criminals are not allowed to escape the laws of our states.

I urge my colleagues to support H. Res. 381.

Mr. DREIER. Mr. Speaker, I rise to insert into the RECORD information compiled by the Congressional Research Service illustrating that many of the United States' bilateral prisoner extradition treaties include this same exception for fugitives who face the death penalty in the United States.

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, March 19, 1998.

To: Honorable David Dreier; Attention: Brian Faughnan.

From: Larry M. Eig, Legislative Attorney, American Law Division.

Subject: Capital Punishment Provisions in Extradition Treaties.

We are sending this memorandum in response to a March 12, 1998, telephone conversation with Brian Faughnan of your staff.

The United States is party to over 100 bilateral extradition treaties.[1] Except for our extradition treaty with Venezuela, those extradition treaties that were signed before 1960 were silent on capital punishment. However, as more countries have barred capital punishment,[2] there has been a concomitant trend toward including capital punishment restrictions in new extradition agreements.[3] Except for recently negotiated agreements with certain eastern Carribean nations[4]—none of which appears to have barred the death penalty under its domestic law—the inclusion of capital punishment restrictions has become standard. We have yet to find a restricted treaty that has been replaced by an unrestricted agreement.

Treaties that include death penalty restrictions[5] include agreements with the following: Argentina; Australia; Bahamas; Belgium; Bolivia; Brazil; Canada; Colombia; Denmark; Finland; Hong Kong; Hungary; Ireland; Israel; Italy; Malaysia; Mexico; Netherlands; New Zealand; Norway; Paraguay; Philippines; Spain; Sweden; Switzerland; United Kingdom; and Uruguay.

We have not exhaustively examined each of our extradition treaties, and the foregoing list is illustrative only. Other extradition treaties also may contain death penalty restrictions. Also, the authorities of a requested State potentially may refuse extradition on humanitarian or similar grounds even absent any specific treaty provision. Finally, there are many countries with which we have no extradition treaty, and those countries are not under any obligation to extradite an individual to the U.S. under any circumstances.

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

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

The SPEAKER pro tempore (Mr. HEFLEY). 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 resolution, H. Res 381.

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.

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 instruct conferees and then 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: Instructing conferees on H.R. 4103, de novo; Instructing conferees on H.R. 4328, de novo; Instructing conferees on H.R. 4194, de novo; House Joint Resolution 117, by the yeas and

[1] See 18 U.S.C. §3181 note.

[2] Amnesty International, The Death Penalty: List of Abolitionist and Retentionist Countries (August 1997), retrieved March 17, 1998, through <www.amnesty.org>.

[3] Not all treaties with death penalty restrictions are with countries that bar capital punishment. For example, our recent treaty with Malaysia has a death penalty restriction even though both Malaysia and the United States retain the death penalty.

[4] These countries include Barbados, Trinidad and Tobago, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Dominica, and Antigua and Barbuda.

[5] Capital punishment provisions in extradition treaties do not outright bar extradition for capital offenses from countries without the death penalty. Instead, the provisions generally authorize the requested State to withhold extradition for an offense that is not punishable by death under its domestic law until the requesting State gives adequate assurances that the death penalty will not be imposed and executed if extradition proceeds.

nays; Senate 2073, by the yeas and nays; and H.R. 4382, by the yeas and nays.

Without objection, the Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the motion to instruct conferees on H.R. 4103.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

Without objection, this 15-minute vote on the motion to instruct will be followed by a 5-minute vote on a motion to permit closed meetings of the conference, without prejudice to the authority for further 5-minute votes in this series.

There was no objection.

The vote was taken by electronic device, and there were—yeas 348, nays 61, not voting 25, as follows:

[Roll No. 431]

YEAS—348

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Christensen
Clay
Clyburn
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Goodlatte
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hooley
Horn
Houghton
Hoyer
Hulshof
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
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
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Nussle
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Thomas
Thompson
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wilson
Wise
Wolf
Woolsey
Yates
Young (FL)

NAYS—61

Abercrombie
Bachus
Barr
Bartlett
Bateman
Borski
Brady (PA)
Brady (TX)
Buyer
Callahan
Chambliss
Clement
Coble
Collins
Cubin
Deal
Dickey
Fattah
Fossella
Frost
Gekas
Gibbons
Goode
Goodling
Gordon
Hastert
Hinojosa
Holden
Hostettler
Hunter
Hutchinson
Hyde
Johnson, Sam
Kanjorski
King (NY)
Klink
LaHood
McHugh
Mink
Mollohan
Murtha
Norwood
Oberstar
Pease
Radanovich
Reyes
Rodriguez
Rogers
Ryun
Sisisky
Skelton
Slaughter
Stump
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Visclosky
Weldon (FL)
Wicker
Young (AK)

NOT VOTING—25

Clayton
Davis (VA)
DeLay
Engel
Gonzalez
Goss
Harman
Lewis (GA)
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Poshard
Pryce (OH)
Riggs
Riley
Schumer
Smith, Linda
Tauzin
Torres
Towns
Velázquez
Wynn

□ 1954

Messrs. YOUNG of Alaska, HOLDEN, BRADY of Texas, HUNTER, ABERCROMBIE, MOLLOHAN and Mrs. MINK of Hawaii changed their vote from "yea" to "nay."

Messrs. LINDER, BURR of North Carolina, PICKERING, SCARBOROUGH, SMITH of Michigan, ADERHOLT, EVERETT, BONILLA, Mrs. MYRICK and Mrs. CHENOWETH changed their vote from "nay" to "yea."

So the motion 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. RILEY. Mr. Speaker, I was unavoidably detained and was not present for rollcall No. 431, a motion to instruct conferees to the fiscal year 1999 DOD appropriations bill. Had I been present, I would have voted "nay."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, MCDADE, LEWIS of California, SKEEN, HOBSON, BONILLA, NETHERCUTT, ISTOOK, CUNNINGHAM, LIVINGSTON, MURTHA, DICKS, HEFNER, SABO, DIXON, VISCLOSKY and OBEY.

There was no objection.

RECEPTION FOR RETIRING MEMBERS

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

Mr. LAHOOD. Mr. Speaker, immediately following this series of votes, there is a reception for all retiring Members in Statuary Hall, and I hope that all Members will come over there and join us in saluting our retiring Members. Please join us over there.

REPORT ON H.R. 4569, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 1999

Mr. CALLAHAN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 105-719) on

the bill (H.R. 4569) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to clause 8 of rule XXI, all points of order are reserved on the bill.

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 4103, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1999, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. YOUNG of Florida. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YOUNG of Florida moves, pursuant to rule XXVIII, clause 6(a) of the House rules, that the conference meetings between the House and the Senate on the bill H.R. 4103, making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes, be closed to the public at such times as classified national security information is under consideration; provided, however, that any sitting Member of Congress shall have a right to attend any closed or open meeting.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. YOUNG).

Pursuant to clause 6 of rule XXVIII, this vote must be taken by the yeas and nays.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 27, as follows:

[Roll No. 432]

YEAS—405

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
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
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
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
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
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)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Upton
Vento
Visclosky
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NAYS—2

DeFazio
Waters

NOT VOTING—27

Allen
Clayton
DeLay
Engel
Gonzalez
Goss
Harman
Lewis (GA)
Lowey
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Pickering
Poshard
Pryce (OH)
Riggs
Schumer
Smith, Linda
Tauzin
Torres
Towns
Turner
Velázquez
Wynn

□ 1904

So the motion 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. TURNER. Mr. Speaker, during rollcall vote No. 432 on September 15, 1998, I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. ALLEN. Mr. Speaker, during rollcall vote No. 432 on September 15, 1998, I was unavoidably detained. Had I been present, I would have voted "yea."

PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. HEFLEY). The gentleman will state his inquiry.

Mr. YOUNG of Alaska. Mr. Speaker, what is the next vote before the body?

The SPEAKER pro tempore. The next vote will be on, a motion to instruct conferees on H.R. 4328.

Mr. YOUNG of Alaska. By whom, Mr. Speaker?

The SPEAKER pro tempore. By the gentleman from Minnesota (Mr. SABO).

APPOINTMENT OF CONFEREES ON H.R. 4328, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the motion to instruct conferees on the bill, H.R. 4328, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Minnesota (Mr. SABO).

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

Mr. YOUNG of Alaska. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were— yeas 249, nays 161, not voting 24, as follows:

[Roll No. 433]

AYES—249

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Camp
Campbell
Capps
Cardin
Carson
Castle
Chabot
Clay
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Ensign
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hoyer
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Lazio
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McHugh
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Neal
Neumann
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Pallone
Pappas
Pascrell
Pastor
Payne
Pease
Pelosi
Petri
Pickett
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Rivers
Roemer
Rogan
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Scott
Sensenbrenner
Serrano
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Upton
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Wexler
Weygand
White
Whitfield
Wilson
Wise
Wolf
Woolsey
Yates

NOES—161

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
Diaz-Balart
Doolittle
Dreier
Duncan
Emerson
English
Everett
Foley
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Goodling
Graham
Granger
Green
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kanjorski
Kasich
Kim
King (NY)
Kingston
Knollenberg
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
Martinez
McCollum
McCrery
McIntosh
McKeon
Mica
Moran (KS)
Murtha
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paul
Paxon
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Portman
Radanovich
Riley
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Saxton
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shuster
Skeen
Smith (OR)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Young (AK)
Young (FL)

NOT VOTING—24

Clayton
DeLay
Dickey
Ehrlich
Engel
Gonzalez
Goss
Harman
Lewis (GA)
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Poshard
Pryce (OH)
Riggs
Schumer
Smith, Linda
Tauzin
Towns
Velázquez
Wynn

□ 1914

Mrs. CUBIN and Messrs. PAXON, COX of California and PORTMAN changed their vote from "yea" to "nay."

Mr. SHIMKUS and Mr. SANFORD changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HEFLEY). Without objection, the Chair appoints the following conferees: Messrs. WOLF, DELAY, REGULA, ROGERS, PACKARD, CALLAHAN, TIAHRT, ADERHOLT, LIVINGSTON, SABO, TORRES, OLVER, PASTOR, CRAMER and OBEY.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4194, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

The SPEAKER pro tempore. The pending business is the question de novo of agreeing to the motion to instruct conferees on the bill, H.R. 4194, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 1, not voting 28, as follows:

[Roll No. 434]

AYES—405

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
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
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Fossella
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)

Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
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)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NOES—1

Lewis (CA)

NOT VOTING—28

Clayton
Dickey
Ehrlich
Engel
Ford
Gonzalez
Goss
Harman
Hefner
Hutchinson
Johnson (CT)
Lewis (GA)
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Poshard
Pryce (OH)
Riggs
Schumer
Skelton
Smith, Linda
Tauzin
Towns
Velázquez
Wynn

□ 1921

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 434, I registered my vote at the very end of the period and it did not record. I would have voted "yea."

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs. LEWIS of California, DELAY, WALSH, HOBSON, KNOLLENBERG, FRELINGHUYSEN, NEUMANN, WICKER, LIVINGSTON, STOKES, MOLLOHAN, Ms. KAPTUR, Mrs. MEEK of Florida, Mr. PRICE of North Carolina and Mr. OBEY.

There was no objection.

SENSE OF CONGRESS REGARDING MARIJUANA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the joint resolution, House Joint Resolution 117, as amended.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MCCOLLUM) that the House suspend the rules and pass the joint resolution, House Joint Resolution 117, 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 310, nays 93, not voting 31, as follows:

[Roll No. 435]

YEAS—310

Abercrombie
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dicks
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inglis
Istook
Jefferson
Jenkins
John
Johnson (WI)
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Ryun
Salmon
Sandlin
Sanford
Sawyer
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—93

Ackerman
Allen
Becerra
Berman
Blumenauer
Bonior
Brown (CA)
Brown (FL)
Campbell
Carson
Clay
Conyers
Coyne
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Eshoo
Farr
Fazio
Filner
Ford
Frank (MA)
Furse
Gejdenson
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kilpatrick
Lantos
Lee
Lofgren
Luther
Markey
Martinez
McCarthy (MO)
McDermott
McGovern
McKinney

Meehan
Meek (FL)
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Morella
Neal
Oberstar
Obey
Olver
Paul
Payne
Pelosi
Porter
Rahall
Rangel
Rivers
Rohrabacher
Roybal-Allard
Rush
Sabo
Sánchez
Sanders
Scott
Serrano
Sherman
Skaggs
Stark
Stokes
Tauscher
Tierney
Torres
Vento
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Yates

NOT VOTING—31

Ballenger
Boucher
Clayton
Dickey
Ehrlich
Engel
Gonzalez
Goss
Harman
Hefner
Hutchinson
Hyde
Johnson, Sam
Lewis (GA)
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Poshard
Pryce (OH)
Riggs
Royce
Saxton
Schumer
Smith, Linda
Tauzin
Towns
Velázquez
Wynn

□ 1929

The Clerk announced the following pair:

On this vote:

Mr. Ehrlich and Mrs. Linda Smith of Washington for, with Ms. Velázques against.

So (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

The result of the vote was announced as above recorded.

The title of the joint resolution was amended so as to read: "Joint resolution expressing the sense of Congress in support of the existing Federal legal process for determining the safety and efficacy of drugs, including marijuana and other Schedule I drugs, for medicinal use.".

A motion to reconsider was laid on the table.

JUVENILE CRIME CONTROL AND DELINQUENCY PREVENTION ACT OF 1998

The SPEAKER pro tempore (Mr. HEFLEY). The pending business is the question of suspending the rules and passing the Senate bill, S. 2073, 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. 2073, as amended, on which the yeas and nays are ordered.

This is a five-minute vote.

The vote was taken by electronic device, and there were—yeas 280, nays 126, not voting 28, as follows:

[Roll No. 436]

YEAS—280

Abercrombie
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Jones
Kasich
Kelly
Kennelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Ramstad
Redmond
Regula
Reyes
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sánchez
Sandlin
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—126

Ackerman
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Berman
Blagojevich
Blumenauer
Bonior
Borski
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Cardin
Carson
Clay
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Dixon
Doggett
Doyle
Edwards
Ehlers
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gutierrez
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Lantos
Lee
Levin
Lofgren
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Morella
Murtha
Neal
Oberstar
Obey
Olver
Pastor
Paul
Payne
Pelosi
Pickett
Rahall
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Scott
Serrano
Shadegg
Sisisky
Skaggs
Slaughter
Snyder
Spratt
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Vento
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Yates

NOT VOTING—28

Ballenger
Clayton
Dickey
Ehrlich
Engel
Gonzalez
Goss
Harman
Hefner
Hutchinson
Hyde
Johnson, Sam
Lewis (GA)
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Poshard
Pryce (OH)
Riggs
Schumer
Smith, Linda
Tauzin
Towns
Velázquez
Wynn

□ 1937

The Clerk announced the following pair:

On this vote:

Mr. Ehrlich and Mrs. Linda Smith of Washington for, with Ms. Velázquez against.

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.

The title was amended so as to read: "A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to authorize appropriations for fiscal years 1999, 2000, 2001, and 2002 and for other purposes.".

A motion to reconsider was laid on the table.

MAMMOGRAPHY QUALITY STANDARDS REAUTHORIZATION ACT OF 1998

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4382, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules

and pass the bill, H.R. 4382, as amended, on which the yeas and nays are ordered.

This is a five-minute vote.

The vote was taken by electronic device, and there were—yeas 401, nays 1, not voting 32, as follows:

[Roll No. 437]

YEAS—401

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
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
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
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)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sánchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—32

Ballenger
Chabot
Clayton
Davis (FL)
Dickey
Ehrlich
Engel
Gonzalez
Goss
Harman
Hefner
Horn
Hutchinson
Hyde
Johnson, Sam
Lewis (GA)
Manton
McDade
McIntyre
Meeks (NY)
Nadler
Owens
Poshard
Pryce (OH)
Riggs
Schumer
Smith, Linda
Stearns
Tauzin
Towns
Velázquez
Wynn

□ 1943

So (two-thirds having voted in favor thereof) the rules were suspended and the 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

Mr. DAVIS of Florida. Mr. Speaker, during rollcall vote No. 437, H.R. 4382, the Mammography Quality Standards Reauthorization, I was unavoidably detained. Had I been present, I would have voted "yea."

□ 1945

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, I inadvertantly voted "yea" on rollcall vote No. 428. If I had been aware of this, I would have changed my vote to "nay" instead of "yea."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4300, WESTERN HEMISPHERE DRUG ELIMINATION ACT

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–720) on the resolution (H. Res. 537) providing for consideration of the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4550, DRUG DEMAND REDUCTION ACT OF 1998

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–721) on the resolution (H. Res. 538) providing for consideration of the bill (H.R. 4550) to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs, which was referred to the House Calendar and ordered to be printed.

TRIBUTE TO THE CHERRYVILLE AMERICAN LEGION BASEBALL TEAM

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Mrs. MYRICK. Mr. Speaker, I rise today to honor the American Legion Post 100 baseball team from Cherryville, North Carolina, who last month finished second at the American Legion's World Series.

These 18 young men remind us about what is right in America. Through hard work and discipline, they bested more than 5,000 teams from all over the country. Through it all, they conducted themselves as true gentleman from the Tar Heel State.

In mid-August, they traveled to Tennessee for the Southeast Regional Title Game, and there their pitching was so tough that their opponents could not score a run until Cherryville was leading 9 to nothing. From Tennessee, they traveled to Las Vegas for the national finals. In an exciting final four game, they defeated a team from Danville,

California. In the sixth inning, John Mackie broke a 3-3 tie with an inside-the-park home run. And then in the bottom of the eighth, Josh Cobb added an insurance run with an RBI single. Josh's hit proved to be important, because Danville scored a run in the ninth before Cherryville ace Ralph Roberts struck out a batter to end the game.

The championship game against Edwardsville, Illinois did not have such a happy ending. Nevertheless, our boys from Cherryville have made the folks of Gaston and Lincoln Counties quite proud. It is really a feat to finish second out of more than 5,000 teams; and in my congressional office, we switched the TV to ESPN to watch the game.

Mr. Speaker, I am submitting the names of Cherryville's coach and players for the RECORD.

CHERRYVILLE, NORTH CAROLINA AMERICAN LEGION POST 100 BASEBALL TEAM

Bobby Dale Reynolds, Head Coach; A.J. Henley, Assistant Coach; Scotty Heauner, Assistant Coach; Bill Abernathy, Athletic Officer; and Jerry Porter, Post 100 Commander.

Wesley Eugene Anthony, Brandon Chad Cash, Joshua Michael Cobb, Eric James Davis, Eddie Travis Farmer, Ryan Marcus Freeman, Wesley Keith Hudson, Bradley Keith Huffstetler, Christopher Paul Keener.

Brad Michael Lane, John Kemp Mackie, Kenneth John Mosteller, Thomas Ray Pruett II, Ralph Ricardo Roberts, Jason Rush Sain, Justin William Sanford, Brian MacArthur Sigmon, Bryson Dennis Willis.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BASS). 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.

CONGRESS' DUTY IS TO UPHOLD THE RULE OF LAW FOR ALL AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. DELAY) is recognized for 5 minutes.

Mr. DELAY. Mr. Speaker, we have arrived at a point in our history where we will be called upon to make decisions and judgments that will deeply affect the integrity of the government and our society, the kind of society that we leave to our children and our grandchildren.

That decision now before us is fundamental to our system of government. This country grew to be great because the Founding Fathers provided for the rule of law and not the rule of man. They enshrined this principle forever in the Constitution.

Now, some would ask us to be judged by the rule of man. They are trying to convince us to abandon the principles of our Constitution and the rule of law. They are trying to convince us that public opinion polls are more important than the principles on which our government was founded. They are trying to advocate censure as the only appropriate course of action.

Well, Mr. Speaker, anyone who considers censure, and makes decisions based on the polls, believes in the rule of man, not the rule of law.

We, the Members of the House of Representatives, have been entrusted by our fellow citizens to uphold and preserve the rule of law for all Americans. The basic tenet of the rule of law is that it applies to every American equally. Laws cannot be applied selectively based on some whim or some public opinion.

The very strength of our system of law and government is that every American is evaluated by a common standard, without exception. One set of laws should not apply to high officials and another set of laws apply to the rest of the country. If we begin to make exceptions based on some expediency or some convenience, we reduce ourselves to little more than a loosely organized mob.

Those who advocate censure believe that Congress can resolve this matter by making its opinion a matter of public record. Let me say to my colleagues that I would hope that the people of America already know where we stand on this issue, because Members of Congress have been unambiguous in their condemnation of this type of behavior, and I believe every American, no matter where they stand on the ideological spectrum, shares this view.

A resolution of censure would do nothing more than to allow Members of the House to record their disapproval. While such an approach might appeal to some, the time for that is well past.

It may be that the House decides at some point not to move forward. That is a decision that must be made by the House Committee on the Judiciary and ultimately by the full House. But for now, the House has no choice but to proceed with an impeachment inquiry. We cannot selectively apply the rule of law in the face of such a serious allegation. The Constitution does not bow to polling data and it leaves no middle ground.

Censure establishes the rule of man at the expense of the rule of law. We must never allow America to go down that road. It is the road to ruin. Anyone who doubts that the rule of man gives rise to chaos only needs to look at Russia. There is a country with no rule of law.

Mr. Speaker, I pledge to the Members of this Congress as Majority Whip of the House to fight in no uncertain terms the scheduling of any vote on censure, and I will fight to ensure that censure never sees the light of day in this chamber.

A STABLE RUSSIA OF PRIME INTEREST TO AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

Mr. LANTOS. Mr. Speaker, let me first thank all of those who communicated with me today following my comments yesterday about Russia, indicating that they share my concern that we focus on some critical issues unfolding on this planet, and not be mesmerized and preoccupied exclusively with topic number 1.

Today's New York Times has a headline which I will take as my text: "The Kremlin Brings Gorbachev's Economies Back."

Now, this statement reminds me of a Soviet era story, Mr. Speaker, when on May Day, the tremendous might of the Soviet Union was displayed on Red Square. Vast columns of artillery and tanks and missiles rolled by, and then suddenly, a half a dozen crumbled, not very well dressed, middle-aged men shuffled by. And as the visiting dignitaries were standing atop Lenin's mausoleum, Fidel Castro asked, how did these men get into this parade of power and might? And the Soviet leader responded, they are our economists, and you have no idea how much damage they can cause.

That is what we are seeing today. The new Russian leader Primakov is bringing back the discredited Soviet era, Stalin-era economists for high-ranking positions in this new government. The man who was in charge of central planning in the Soviet Union is now the number 1 economic power in the new Russia. The former head of the central bank is the new head of the central bank, and what we can expect to see is the beginning of the operation of the printing presses, hyperinflation, the continuing deterioration of the Russian economy with devastating consequences for the Russian people.

Now, the question might be asked, Mr. Speaker, why is that important to us? Well, I suggest it is important to us for 2 reasons. Russia still has thousands of nuclear weapons, and as the authority of the central government erodes, as the various provinces are striking out on their own, the likelihood of these nuclear weapons falling into hands unfriendly to the United States increases geometrically.

But we have a second reason to be concerned about the galloping deterioration of conditions in Russia. Not too many decades ago, in the bemired Republic of Germany, as hyperinflation took hold, fascism followed, and so did the Second World War. It is in our prime policy interests to attempt to stabilize the Russian economy, and I suspect it will be one of the serious and substantive debates of this body during the course of coming months to see how we can work with Mr. Primakov to

stabilize the Russian economy which, at the moment, is in a free-fall. Goods are disappearing from the stores. People have no access to their bank accounts. Most banks are, in fact, closed. Unemployment is rising. Imports are declining because Russia has no foreign exchange. This gigantic society, Mr. Speaker, of 150 million people and covering 11 time zones has in its central bank $12 billion in foreign exchange reserves. This would be laughable if it were not so serious.

Tax collections, which were bad enough last year, are down by 40 percent, and as the central government in Moscow is unable to collect taxes, the tendency of the regions to break away will accelerate. Of the 89 provinces of Russia, some 75 have been receiving subsidies from Moscow. These subsidies are declining, in many cases disappearing, and the danger of Russia becoming a chaotic society has enormous ramifications for our own safety and security.

Mr. Speaker, I will continue this dialogue with my colleagues and with the American people tomorrow evening.

□ 2000

FAILURE OF ATTORNEY GENERAL TO APPOINT AN INDEPENDENT COUNSEL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, for over 2 years now, despite overwhelming evidence, the Attorney General of the United States has refused to follow the law and the recommendations of her FBI director and the chief campaign finance prosecutor to appoint an independent counsel in the campaign finance scandal. She has politicized the office over which she has control, the Justice Department of the United States. Reports about disarray in this investigation at the Justice Department abound.

After 2 years of this investigation, key players such as John Huang and James and Mochtar Riady, close friends of the President, have not been brought anywhere near to justice. White House and DNC officials are almost entirely off of the hook.

The Attorney General and her political advisors have inherent conflicts in making a decision about an investigation involving their boss, the President, and his closest friends. These conflicts are obvious to everyone but the Attorney General and the political appointees by the President made by the President at the Justice Department.

Last December, last December, we learned that FBI director Louie Freeh had recommended an independent counsel for the campaign finance investigation. He wrote that there could not be a more compelling case, there could not be a more compelling case for an independent counsel.

The Attorney General ignored his compelling and sound advice. Then the investigation continued to limp along with the Attorney General failing to focus on any of the key White House and DNC officials or even John Huang, the individual who solicited millions in illegal foreign money after being personally placed at the DNC, the Democratic National Committee, by Bill Clinton.

In fact, the core of the investigation should be focused on all of the foreign money that flowed into the DNC conference from around the world. Illegal campaign contributions from Macao, China, Taiwan, Egypt, Indonesia, and South America.

Yet the numerous 90-day reviews continually ignore this big picture and focus on isolated matters such as the Vice President's phone calls. We clearly had cause for concern even before the LaBella memo became known to the public.

The Attorney General before our committee said that, within 30 days, she would make a decision on an independent counsel. The 30 days have long past, even though our committee passed a contempt of Congress citation against the Attorney General. Thirty days have long since past. She has not appointed an independent counsel. Instead, she has extended by 90 days investigations into Mr. Ickes and the Vice President.

In July of this year, we learned that the chief prosecutor, Mr. Charles LaBella, who was appointed by the Attorney General, also recommended an independent counsel. He provided the Attorney General with a detailed 94-page memo outlining the specific information he had compiled which he informed her mandated by law, mandated the appointment of an independent counsel under the law. Again, the Attorney General ignored his advice. This is the man she personally appointed to head the investigation.

At that point, in late July, the Committee on Government Reform and Oversight subpoenaed both the Freeh and LaBella memoranda in order to fully access the sound legal arguments which the Attorney General was rejecting. The Attorney General refused to provide the memos to the Congress. She refused to provide any legal rationale for her refusal.

On August 6, 1998, the committee held the Attorney General in contempt of Congress for failure to comply with a valid congressional subpoena. The committee still has not received the memos.

Earlier this month, we did have an opportunity to read through a redacted copy. That is where they cross out anything that is related to the Grand Jury investigation. We were able to read through a redacted version of the memorandum and meet with the Attorney General about this important document.

The Attorney General's claims that this redacted version of the LaBella memo would provide a road map to the investigation is simply not true. I read it. There is nothing of a road map to anything in there except the decisions made by the Attorney General which appear to be protecting the President and the Vice President of the United States.

I will not go into the content of the LaBella memo. The memo does confirm, as I said, our worst fears, that the Attorney General of the United States, the one who is supposed to be the chief administrator of justice in this country, is clearly applying a different standard of law enforcement when it comes to the President and the Vice President than she does to any other American citizen. There is truly a dual standard, one for everybody except the President and the Vice President of the United States.

The Attorney General has taken what is obviously the White House position that the President is above the law in a way that no other citizen in this country can expect. There is something extremely wrong with the way that the Reno Justice Department dispenses justice, if you want to call it that. It is unseemly to have an Attorney General putting partisan interest above justice.

As the New York Times observed last December, "Every decision she has made and comment she has offered has minimized the offenses and excused the conduct of the White House and the Democratic Party. The person who is supposed to be the Nation's chief prosecutor, ever alert for the signs of infraction, sounds instead like a technicality hunting defense lawyer." This is a quote right out of the New York Times.

Indeed, when we met with the Attorney General regarding the LaBella memorandum, she exhibited this defense lawyer type of mentality or behavior. She refused to allow Mr. LaBella to explain his memo. And even though the public integrity chief Lee Radek, whose illogical views she has adopted as her own, was present at the meeting, the Attorney General refused to allow these individuals to speak for themselves and would not let them describe their reasons why they took the positions that they did.

I mean they were both sitting right there. I asked Mr. LaBella questions, and I asked Mr. Radek questions, and the Attorney General would not let them answer for themselves.

Mr. Radek, it should be noted, told the New York Times that he considers

the independent counsel statute an insult and a knife in the back to top Justice Department officials. It is clear that Mr. Radek will continue to recommend that the Attorney General not follow a law which he does not like. What is amazing is that the Attorney General believes she can pick and choose what laws she wants to follow, even though the Congress of the United States has passed it.

Janet Reno did not always hold this position. When she first became Attorney General, she testified to the following regarding the independent counsel statute, and I quote the Attorney General directly: "The reason that I support the concept of an independent counsel is that there is an inherent conflict whenever senior Executive Branch officials are to be investigated by the Department of Justice and its appointed head." The Attorney General.

The Attorney General serves at the pleasure of the President, so she is convicted by her own statement. There should be an independent counsel without any political influence being exerted on them whatsoever to investigate the President and Vice President.

It has been stated by the FBI director Louis Freeh; the chief investigator of this whole scandal, Mr. LaBella; Mr. DeSarno, the head of the FBI task force investigating it; and her own words. Yet, she still will not appoint an independent counsel.

Certainly the President has to be pleased with the Attorney General's failure to follow the recommendations of the FBI director and the chief prosecutor to appoint an independent counsel to investigate the President's conduct in campaign finance and fundraising.

This refusal places Janet Reno as the first Attorney General since President Nixon's Attorney General John Mitchell to investigate the President who appointed her. Every Attorney General since John Mitchell has turned over such political investigations to someone outside of the Justice Department if for no other reason than to eliminate the appearance of impropriety.

Quite simply, the Attorney General is derelict in her duties to enforce the laws equally. She is giving the President special dispensations that no other citizen could hope to enjoy.

The recent 90-day reviews are merely a smoke screen to avoid following the advice she has been given for 2 years to appoint an independent counsel for the entire campaign finance matter. It is just another delaying tactic to get us past the election.

It is the people in the public integrity section of the Justice Department who has so strongly opposed an independent counsel and have fought the appointment of one from the beginning of the campaign finance scandal and who are conducting these so-called 90-day reviews.

All these latest 90-day reviews accomplish is to push these decisions past the November elections into next January, another partisan act which demonstrates that the Attorney General continues to protect the President time and again during this investigation.

The American people have a right to know that the Attorney General is not following the law. The FBI director and the chief prosecutor in this investigation have said as much in their memos to her concluding that an independent counsel is necessary under the mandatory section of the independent counsel statute.

But it is not only their view. It is not only their view. Listen to others who have recognized the attorney as wrong in her interpretation of the law in this matter. Senator DANIEL PATRICK MOYNIHAN, a Democrat in the other body said recently, "Two years ago, we should have had an independent counsel to inquire into the Chinese attack on our political system through political contributions in the 1996 campaign. How she," the Attorney General of the United States, Janet Reno, "cannot have done that, I do not know." That is a condemnation from the President's own party of the Attorney General.

A person who is not generally a friend of mine and one who disagrees with me quite frequently, columnist Al Hunt, not someone that I usually quote either, said, "The Attorney General is getting terrible advice from Lee Radek from the public integrity section over there at Justice who despises independent counsels."

But Charles LaBella's position here is even more compelling than FBI Director Louie Freeh who came to the same conclusion earlier, about 8 months earlier. If Janet Reno does not name an independent counsel, her credibility as Attorney General is destroyed.

This is from a fellow who normally is very supportive of the administration. Janet Reno's former deputy observed last year, and this is her deputy, "I served in seven administrations," he said "and I have never seen the Justice Department so dominated in the policy realm by the White House. An Attorney General who is dominated by the White House in protecting the President does a disservice to the justice system."

Our committee continues to seek these memos because of the need to inform the American people of the threats to our judicial system by an administration which thinks that it is above the law. No one in this country should be above the law. The law as was said earlier by one of my colleagues from Texas should be administered equally, whether it is the lowest person in the United States or the person occupying the highest office, the President of the United States. The law should be applied equally.

Unfortunately, this politicized Justice Department has one standard for everybody except the President and Vice President; and that is not only unseemly, I believe it is unlawful.

Mr. Speaker, I am happy to yield first to my colleague, the gentleman from California (Mr. HORN), a valued member of our committee.

Mr. HORN. Mr. Speaker, I thank the chairman for reviewing this matter and bringing it up. I think all of us have sat through the hours of testimony of Mr. Freeh and Mr. LaBella. We are really shocked by the treatment of two great public servants who had the courage to put their words in writing to advise the Attorney General. They wanted to go over their memoranda with her, but the letters just sat there. Until recently, they never had an opportunity to go over their memoranda with her.

One of our Members [Mr. SOUDER] asked Mr. LaBella how much new information he had in his memo. Since we could not see the memos, that was the whole issue—what information was still hidden—and that was why a majority voted for contempt, which was agreed in the committee. LaBella replied that the public and we probably only know 1 percent of what was in that memo.

Now that is shocking. That means the American people, elected legislators, and the Committee on Government Reform and Oversight have been blocked from knowing 99 percent of what is behind the tremendous misuse of the law and of the basic campaign finance laws in the 1996 presidential campaign.

Denying us information and truth had been the typical pattern within the administration but it was the first time I had seen the Attorney General engage in that behavior. Such has been the typical pattern since 1993. For those of us who investigated Travelgate, and Filegate, in Government Reform and Oversight and those who investigated Whitewater on Banking and Financial Services were used to the attitude: The attitude was "Don't tell them a thing."

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"Stiff them," was the word. And that they did and they were very successful.

When we were in the minority in 1993, 1994, Chairman Bill Clinger of this committee, the predecessor to the gentleman from Indiana (Mr. BURTON) had an instinct, and he was absolutely right, on that White House travel office. Of course, the administration made a major mistake when it picked on that office. The media knew that the Travel staff were good efficient and effective people. They had arranged

their trips. Some of the employees were hired during the Kennedy administration.

But the idea was when we sent information requests to the White House or a department, they just never replied. And yet the law authorizes the minority on our committee, when seven or eight sign such a request, the executive branch is supposed to provide the answers.

Mr. Speaker, what the gentleman has described tonight is a very sad commentary. I have had very great respect for the Attorney General. I knew of her before she came to Washington. She has done a lot of good things. But this situation has simply been mishandled from the beginning. The Director of the FBI is a former judge, and Mr. LaBella, one of the best prosecutors in the United States, who headed the campaign task force within the Department of Justice. Both are men of integrity. In fact, Mr. LaBella certainly had the confidence of the Attorney General. She was moving him to San Diego to be United States Attorney. That seems to be off now.

But when Mr. LaBella appeared before us, as did Mr. Freeh, they were speaking from the heart. They were very careful as to what they said. But let me just note another President, or both Presidents, we can talk about President Clinton's views on the independent counsel statute and this is what he said on June 30, 1994:

Regrettably, this statute was permitted to lapse when its reauthorization became mired in a partisan dispute in the Congress. Opponents called it a tool of partisan attack against Republican Presidents and a waste of taxpayer funds. It was neither. In fact, the Independent Counsel statute has been in the past and is today a force for Government integrity and public confidence."

The President was right when he said that. Whether they were Republicans criticizing reauthorization or Democrats, the fact is we reauthorized it. And we reauthorized it for a very good reason. No matter how able and honest one is, there might well be a conflict of interest in actuality and a conflict of interest in perception. That is why Congress reauthorized the statute.

The reason that is important is that when one is an appointee of the President of the United States, as the Attorney General is an appointee, confirmed by the Senate, the fact is she is investigating the boss. That is not a very credible situation. That is why Congress enacted the independent counsel statute. That act was approved by the President. And the President was right when he signed it. He probably does not have too much respect for it now, in the sense that there are a number of independent counsels who have sent some people to jail. Others have been fined. These independent counsels have generally been uncovering the corruption that has occurred in various parts of the executive branch.

In his testimony before us FBI Director Freeh noted that the appointment of an independent counsel was based on both sections of the law. There is a mandatory section and there is a discretionary section. The first basis for his recommendation was the mandatory section: that an independent counsel must be appointed when there is specific information from a credible source that the President, Vice President, or other high-ranking officials may have violated a Federal criminal law.

The second basis for his recommendation was the discretionary or conflict of interest section. This is what I have been discussing. The Attorney General may appoint an independent counsel when she determines that having the Justice Department investigate the matter might result in a personal, financial, or political conflict of interest.

Let me cite the views of another President, a President for whom I have great respect. He has showed in retirement many fine qualities and he is a highly ethical man. That is former President Jimmy Carter, who said October 20, 1997, [The campaign fund-raising scandal is] "the most embarrassing and debilitating thing I have ever seen evolve in the political structure in our country." [An independent counsel could] "diffuse this big issue . . . get it out of the front pages and get out of these everyday new, minor revelations that are having such a devastating effect."

Now, it is still alive and we still do not know the truth in it. The Thompson Committee on Governmental Affairs in the Senate dealt with this. We dealt with it in the House. And the witnesses who would come before us just stared at us and when we asked them: "Did you do this? Did you know this?" They would answer "Who me?" Or, "Gee, I don't know. I don't recollect what that was."

Mr. Speaker, the gentleman from Indiana (Mr. BURTON) might bring us up to date on the number of witnesses we have sought and the number who have taken the Fifth Amendment, which is their right under the Constitution to not incriminate themselves, and how many have fled the country. Last fall when we held some of these hearings, it was 65. I believe it is over 100 now. Is that correct?

Mr. BURTON of Indiana. It is now 116 people have taken the Fifth Amendment or fled the country, 116.

Mr. HORN. Think of it. Mr. Speaker, 116 people took the Fifth Amendment and/or fled the country. Some of these were American citizens. Some of these were not. But the fact is, Congress has been denied getting the facts. When the administration has the facts, they are not giving them to us. That is why these two memos written by two men of very high integrity are important for this body to review and the Committee on Government Reform and Oversight to review in particular.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from California. And I am happy to yield to the gentleman from Virginia (Mr. DAVIS), my colleague and another valued member of the committee.

Mr. DAVIS of Virginia. Mr. Speaker, these are difficult times for this country and I think that political leaders of all stripes should take pains to step above partisanship and move into the realms where the facts can be judged by the American people and the proper investigative authorities.

What concerns me the most in this particular case is that we have really the two only nonpolitical figures that have looked at this, Mr. LaBella, who is the head of their campaign task force, a professional, and Louis Freeh, the President's appointee as head of the FBI, who have taken a look at this objectively and both came to the irrevocable conclusion that the mandatory parts of the statute that would trigger an independent counsel have been met, and that the only option that the Attorney General had would be to appoint an independent counsel.

We are frustrated here at the congressional level trying to get all the facts. The Thompson committee was frustrated in the Senate. But 116 witnesses who have fled the country or taken the fifth amendment, and we do not have the means to go out after them. The Justice Department, in many cases, would. They would be able to grant immunity and be able to reach out. But they have so far been unable or willing to do that in an appropriate fashion. That is of concern to me.

The most important thing I noted when Mr. LaBella and Mr. Freeh came before our committee, both of them were careful to guard the Attorney General's prerogatives. I think in that way they were good servants and good underlings, taking their appropriate place before the committee and recognizing the hierarchy they had to report to.

But these memos have been examined for days by Justice Department officials and neither one of these have been called in at this point to give their point of view. Instead, the Attorney General had called upon the politicians, the political appointees to come in try to poke holes in their argument. It looks almost as if they were looking at a way they would not to have appoint an independent counsel. They could stiff Congress and this thing would go away.

Mr. Speaker, I think it is very clear now with everything else happening that is not going to wash with the editorial boards across this country. It is not going to wash with the American people. And it is certainly not going to wash here in Congress.

Mr. Speaker, the gentleman from Indiana has had an opportunity to review some of these redacted copies of the memorandum, and I understand that some of the excuses they were giving or some of the reasons that were given by the Attorney General for not releasing that was that it was going to be a road map to other prosecutions and so on, and that the gentleman just does not think that lies at this point. Is that correct?

Mr. BURTON of Indiana. Yes, and I am happy that the gentleman from Virginia brought that up. The Attorney General said before our committee that she was afraid that if they even gave us a redacted copy where they crossed out certain grand jury material, that this would still lead to people that they may want to prosecute or question and it might impede their investigation. I read that, and I am not at liberty——

Mr. DAVIS of Virginia. I would not ask the gentleman to divulge that conversation.

Mr. BURTON. Mr. Speaker, I cannot give the information in the memo, but after having read it, along with some of our legal staff on the committee, there is nothing in there that would lead to anybody other than the Attorney General's position of not appointing an independent counsel. In fact, I think that some of the remarks that are made by Mr. LaBella come close to condemnation of the Attorney General for not acting on the mandatory section of the statute.

So, that is the only thing that I found in the memo that she could be concerned about. That is why I believe it should be made available to every Member of Congress and to the American people.

Mr. DAVIS of Virginia. Mr. Speaker, if the gentleman would continue to yield, it seems that we have here a man of high integrity in Mr. LaBella, a thorough professional prosecutor who took a look at this and expressed his frustration in a memo of over 100 pages in length and containing 55 exhibits that really reaches only one conclusion. It is in no way inconclusive or gives policy options.

We have the head of the FBI, another political appointee but someone who I think has the respect and the independence that we would expect from the Nation's top law enforcement officer, making the same strong recommendation; really looking at no other options but that the mandatory sections of the statute are triggered. And we have not heard a peep from the Attorney General or anyone else as to why they take issue with this and an independent prosecutor cannot be appointed.

That is the way it ought to go. It ought to be away from politics. It ought to be away from the floor of the House, away from the partisan structure that we have going into the November elections. It ought to be in the hands of the professionals and let the chips fall where they may, Republicans, Democrats, whatever. That is what ought to happen. I feel from the bottom of my heart, that is the right answer here.

Yet, we are consistently being stonewalled and we are being blocked in every way possible. And it seems to be done by the political appointees, because the professionals have reached their conclusions. Would the gentleman agree with me on that?

Mr. BURTON of Indiana. Yes, I would. And I would like to add that the Attorney General has appointed independent counsels for some of the periphery of this administration, but whenever it gets close to the Oval Office or people close to the Oval Office, there is a reluctance to go ahead and appoint an independent counsel.

Instead of doing this piecemeal, as has been the case by the Justice Department, there should be one independent counsel to look at the whole campaign finance scandal, the money that has come from all over the world illegally.

Mr. DAVIS of Virginia. That would include Republicans and Democrats, whatever.

Mr. BURTON of Indiana. Yes, and we have investigated Republicans as well as Democrats. But we need an independent counsel who is not beholden to anybody to get to the bottom of this whole thing.

Mr. DAVIS of Virginia. Mr. Speaker, I have tremendous respect for the Attorney General and her career. She was a career prosecutor and I know she is under tremendous pressure, it appears to me, right now from the hierarchy in the administration.

But I hope if she reviews this quickly, number one, if she disagrees with the professionals in her own agency as to why this should not move forward, release that information to the public so she can explain why and show the report that we have paid for that basically would indicate otherwise; or if she would rise and have the courage to do the right thing, take this out of the politics and put it in the hands of professionals where it belongs. Not for partisan purposes, but I think in some cases for national security purposes.

Mr. Speaker, I applaud the gentleman from Indiana (Chairman BURTON) and others for bringing this to our attention this evening.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Virginia (Mr. DAVIS). He is, as I said, a valued member of the committee and he does a heck of a job for his constituents.

The gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I join in the accolades for the gentleman from Virginia (Mr. DAVIS) and the gentleman from California (Mr. HORN), members of the committee who care very deeply about the American public getting to the bottom of the truth of this matter.

Mr. Speaker, as the gentleman from Indiana knows, over one month ago the Committee on Government Reform and Oversight, of which I am also a member, voted to hold the Attorney General of the United States, Janet Reno, in contempt for failing to produce two documents to Congress. We are now faced with the decision of whether the entire House of Representatives should vote to hold her in contempt. This would be the first time Congress would use its contempt powers against an Attorney General, and we are well aware of the gravity of this matter.

Our decision to subpoena the Attorney General was not made lightly. It was the result of a great deal of serious reflection. But members of the Committee on Government Reform and Oversight, and many others both inside and outside the halls of Congress, have serious concerns about the way the campaign finance probe has been conducted at the U.S. Department of Justice. What I would like to do is to discuss some of these problems that we have seen.

Statements by senior Department of Justice officials that the independent counsel statute has not been applied consistently.

Statements by senior Department of Justice officials that the White House staff have been treated more leniently than other citizens, and press accounts that some may have not been investigated because of who they are.

Public accounts that senior political officials have weighed in against pursuing prosecution of campaign finance figures, even though the law supports prosecution.

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Indications that the Department of Justice has not pursued evidence vigorously.

Needless delays by the Attorney General that will push the start of investigations into 1999, a full 3 years after allegations of wrongdoing were made and known.

Lee Radek, a senior adviser to the Attorney General, gave an unfair advantage to the defense attorney of an important Democratic contributor. When prosecutors, who had evidence of wrongdoing, called Mr. Radek, he refused to take the call.

Complete failure by the Department to follow any evidence, speak to any witnesses, or subpoena any documents in some matters that may indicate improper impropriety by the Democrat National Committee and leading Democrat contributors.

The failure to maintain continuity in the supervision of the Department of Justice investigations. There have been three task force supervisors in 1 year,

and given that, they have all had their own advisers.

A consistent siding with the White House in its failing and sometimes frivolous claims of privilege on a variety of matters.

A failure to recognize that the Attorney General has conflicting legal duties: To keep the President informed of information relevant to national security, and keep information relevant to campaign finance investigation from people under investigation, a category that includes the President of the United States.

Tolerance of top advisers belittling the laws that they are constitutionally bound to uphold. For example, Lee Radek, who was discussed earlier, told The New York Times: "Institutionally, the Independent Counsel Statute is an insult."

Further, providing misleading information about who is covered by the Independent Counsel Statute and who is not covered. One letter provided to the committee seems to indicate that two of the principals of the Clinton-Gore 1996 campaign are not covered by the statute, and the clear language of the statute indicates that there is no doubt that these officials are covered.

Further, providing false information to the public to make congressional demands seem unreasonable. The Attorney General has maintained that Congress has never before asked for information on an ongoing criminal investigation, and this is clearly not the case.

Further, repeated leaks of information that are protected by Grand Jury secrecy and, I might add, leaks that were made for their own political benefit.

Further, repeated attempts to answer requests made by Congress. I repeat: Repeated failure to answer requests made by Congress. For example, 1 month ago our committee asked the Attorney General for permission to speak with the assistant United States attorney most familiar with a case known as the Intriago case, and she has failed to respond to our request.

Further, coordination between the Department of Justice and the minority on this committee are being done for political benefit.

Some of these examples, taken by themselves, would be matters of grave concern. Put together, they indicate that there is something very wrong over at the Department of Justice. The Attorney General is not applying the law correctly. Her own advisers have been telling her this, yet she continues to oversee an investigation of the President of the United States, who appointed her.

In November of 1977, FBI director Louis Freeh prepared a lengthy memorandum on the Department of Justice campaign finance investigation. Director Freeh, former Federal Judge Freeh, who had been advising the Attorney General to appoint an independent counsel since late 1996, concluded that according to the Independent Counsel Statute, 28 USC section 591, the Attorney General was required by both the mandatory and the discretionary provisions of that law to appoint an independent counsel.

My colleagues will also see that I have on this side information that contains other testimony that Director Freeh has given.

This view was shared by the most senior FBI investigator on the investigation, Mr. James DeSarno.

On July 23, 1998, The New York Times reported that the departing lead prosecutor on the campaign finance task force, Charles La Bella, had prepared a 100-page memorandum reviewing the facts gathered during the campaign finance investigation. According to press reports, Mr. La Bella also found that the mandatory and discretionary portions of the independent counsel law required the appointment of an independent counsel. Thus, both Director Freeh and task force head La Bella have repeatedly found specific evidence from a credible source that required the appointment of an independent counsel.

We subpoenaed Director Freeh and Mr. La Bella's memoranda because we believe it is clear that something is seriously wrong. The Attorney General was asked last Thursday, and I quote, "Do you still have confidence in the leadership of President Clinton for both the administration and our country?" This is what she said, and I quote the Attorney General, "I certainly do." And then she said, "He has a sense of what needs to be done. He is doing it."

Well, I, for one, have a problem with what the Attorney General has said for several reasons. The independent counsel, whose staff includes the Department of Justice lawyers and FBI investigators who are charged with enforcing the laws of this country, have recently provided Congress with a referral that says the President of the United States committed perjury in a Federal lawsuit; that he lied to a Federal Grand Jury; that he obstructed justice; and that his actions have been inconsistent with the President's constitutional duty to faithfully execute the laws of this country.

The President has responded by having his private lawyers and government lawyers on the government payroll go out and trash the independent counsel. He has had them go out and make the most absurd legal arguments I believe that I have ever heard. It is so bad that yesterday two top Democrats in the House and the Senate made a public plea for the President to stop the legal obfuscation. And yet the Attorney General, who is in charge of upholding and protecting the law, blithely goes before the American people and tells us that the President has a sense of what needs to be done and he is doing it.

Remember, the Attorney General has signed off on all the things that the independent counsel has done; all of these investigations now for 3 years. It seems, however, that either she does not care about the independent counsel's evidence or she has already rejected the findings of the independent counsel that the President is acting against the principle that everyone is entitled to a fair trial; that he has sent his lawyers out to say that it really does not matter if one lies in these courts. These appear to be of no importance to the Attorney General.

It seems to me that the President has been attacking the rule of law; that he has used and continues to use the most powerful office in the world and to say that one does not need to tell the truth, especially sitting in front of a Federal judge in the oval office. It just does not seem right to me.

It seems to me that the Attorney General should care about this matter. She should care deeply. And that is what her job is all about: Protecting the rule of law. And she is certainly not doing so in the campaign finance investigation, where she keeps giving the President a break.

The Attorney General's words speak volumes, I believe, about her own beliefs, but also they tell us one very important thing: She has a fatal conflict when it comes to investigating the President. This has not been a mystery. If she is willing to side with him before she has even seen the evidence in the Lewinsky matter, how can we possibly expect her to do the right thing when it comes to campaign finance investigation?

For 2 years she has been ignoring what should have been clear to even the most junior lawyers on her staff. The appearance of conflict in the campaign finance investigation is devastating, and it does great harm to the Department of Justice and to the rule of law.

But making a mistake does not rise to the level of misconduct. If that is all that we were here to talk about today, and I do not think it would be the only discussion that we would have, I think that we would have voted for contempt when she failed to turn over the Freeh and La Bella memoranda. Let us focus on some of the issues that have led to my conclusion that something is wrong at the Department of Justice.

First. The Intriago case.

This committee held hearings and was provided documentary evidence that major Democratic National Committee figure Charles Intriago had advised one of his clients how to break U.S. law and give money illegally. There was testimony that someone, and the inference was that this someone was highly placed in Democratic fundraising circles, was giving Intriago

advice about where to direct illegal money.

What happened in this case? It was pulled from one of the U.S. Attorney's offices by Lee Radek, one of the Attorney General's advisers, and the statute of limitations was about to expire. The appearance of impropriety is stunning. We asked the Attorney General if we could talk to the lawyer who was preparing the case before it was killed in Washington. We asked over 1 month ago, and the Attorney General has not even gotten around to fulfilling our request.

She is behaving like a defense attorney trying to run out the clock.

Another thing about this case. The adviser who killed this case for the Attorney General would not even take the phone calls of the New York State prosecutors who uncovered the evidence. In our hearing, however, we learned that he did take at least one call from a defense attorney.

How can we believe that the Attorney General's protestations that she has left no stone unturned when the evidence shows that there are boulders right under her nose and her advisers are making sure they are not disturbed.

Another investigation this committee has been conducting involves an elaborate scheme by the Democratic National Committee to break a State law in Kansas. Individuals were given money by a Democratic National Committee organization and told to act as conduits to get the money to another organization. Let me read from a document obtained by this committee, and I quote.

"The Democratic Senatorial Campaign Committee, in an effort to support State Senate candidates, the Democrat party, and their own candidates will contribute $1,000 to each State Senate campaign our office designates. You may keep $200, but then must turn around and contribute $800 to the Senate Victory Fund."

Instructions on how to make conduit contributions does not get much clearer than this. If it had not been illegal, the Democratic Senatorial Campaign Committee would have given the $200 to the candidate and sent the $800 to the place where they wanted the money to go. But they could not do that, so they used decent men and women from their own party to act as straw donors.

This is direct evidence of a plan to use conduits to get money to a third party to help the Democratic National Committee candidates in the 1996 Kansas election. Overall, a third of a million dollars was contributed to Kansas, where the State law limits the contribution from a national party to $25,000.

One would think that this would attract the Attorney General's attention, but public accounts from Kansas indicate that the Department of Justice has made no effort to investigate this scheme. Again, as the Attorney General talks of leaving no stone unturned, certainly we are not being kidded. Far from being a zealous investigator, it appears that she is providing cover for those who broke the United States laws.

The Intriago investigation and the Kansas conduit contributions are two major examples that go right to the Democratic National Committee. Both involve decisions by people who had to know that they were breaking the law. And in both cases the Attorney General of the United States has failed to conduct the necessary investigation.

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I think we would not be doing our jobs if we did not make an attempt to find out what is going on over at the Department of Justice. If the Attorney General is going to condone the President's conduct in the Monica Lewinsky matter before she has ever seen the evidence, how can we possibly have her confidence today?

Today I call on the Attorney General to release this non-6(e) material from the Freeh and LaBella memorandum.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS). The gentleman will suspend for just a moment. The Chair must remind Members to avoid all personal references to the President.

The gentleman from Texas may proceed.

Mr. SESSIONS. Mr. Speaker, I apologize if I have done anything in that regard, and I apologize for using the President's name.

Mr. Speaker, today I call on the Attorney General to release the non-6(e) material from the Freeh and LaBella memoranda so that the American people can see for themselves what has been going on and so that they can judge for themselves whether she is fairly executing the laws which she is sworn to uphold.

I thank the gentleman from Indiana (Mr. BURTON) for allowing me the opportunity to present this information and I appreciate his forthrightness in this matter.

Mr. BURTON of Indiana. Mr. Speaker, let me just say to the gentleman from Texas (Mr. SESSIONS) that I neglected to say that the gentleman likewise is a very valued member of our committee and I really appreciate all the things that he does for this country.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. SOUDER), another valued member of the committee, who had a great special order last night.

Mr. SOUDER. Mr. Speaker, I thank the chairman, the gentleman from Indiana (Mr. BURTON), for yielding. I thank him for his leadership and his attempts to try to move the Attorney General to action.

Mr. Speaker, I would first like to say a few words in defense, albeit a mild defense, of Attorney General Reno. Her job is not easy. After all, it is not as though she is a nonpartisan person. She is a long-time democrat. She was a staff director at the Florida House Judiciary Committee. She ran for the State legislature and lost. She was a long time State's attorney. She came to Washington as a partisan democrat and these days have to be very hard on the Attorney General, seeing around her all these allegations and all of these challenges. It has to be heart rending to her.

The Attorney General was appointed by a democratic president and can be fired by that democratic president. So she has to look and consider that, even though you try not to when you are Attorney General of the United States. It is a fact. She is surrounded by political staff, democratic appointees. Remember, this White House sent the close Arkansas ally, Webb Hubbell, since in prison, to be her deputy Attorney General.

This bears repeating. It is not every day that the Nation gets a deputy Attorney General who goes to jail while that administration is still in power. That is another thing that clearly made her job not easy.

She has had to appoint special prosecutor after special prosecutor on cabinet member after cabinet member; certainly not an easy thing to do if you are a democratic former candidate, former staff person, former elected official now appointed by a democrat. She now has a special prosecutor on Harold Ickes, who is at the highest levels of the White House. Even higher than that, although it is in a limited way for the Vice President, even Judge Starr, after all that is an Attorney General Reno appointment, but his investigation was limited, and some of us, as the Nation is abuzz about sex, have concern about other matters and have for multiple years and that is what about the campaign finance?

As we have been looking at this, and as we heard the FBI director as the chairman brought him in front of our committee, and Mr. LaBella and others, part of the question, as we look at the FBI as to how they approach drug cases, how they approach other issues, the goal has not been to try to set up and catch the lowest level people. There is a real question going on here.

We see special prosecutor after special prosecutor chasing little bits of a larger picture; yet the training, the training of the people who investigate this type of thing in the FBI and others, is to look at combinations and to see who is behind this. Yet, we have not seen this coming out. There has been, at the very least, a reluctance, if not actually a deliberate attempt, to break up and not pursue the larger questions of why is this person doing

this, why is this person doing this, why is this person doing this, why is this person doing this?

People all over the country are debating this in another matter but we see this, as we heard last night, in the Teamsters investigation where the same names start to pop up. We see it in the casinos where the same names start to pop up. We see it in China in technology sales, where the same names start to pop up.

When one sees this, one would think that the Attorney General would say, I better get to the bottom of this and see where it is headed, not where it is down there.

This is not easy. She has a difficult job with it.

One other thing I want to point out, we have had past cases in this House of Representatives far, far, far less serious than this, in fact most of which turned out to be false. Yet, we heard rhetoric on this floor that one would have thought the entire republic was collapsing because there were not special prosecutors.

Now is this curious that this particular notion of shame be advanced by someone who has an ethical cloud over him so big and heavy that dewdrops now glisten on his neo-Victorian halo? Questions about whether the activities of a high public official are appropriate, ethical or legal become as pervasive as though raised about the complicated affair, which is something that was said about a Member on this floor.

The American people should know where this money came from. Did these donors get anything in return, are there any conflicts of interest, was the high and mighty rhetoric on this floor paralyzing this country in the past, as allegations that have proven to be false even were thrown about.

This cloud grows larger and darker with new questions of ethics violations, another Member said. Another one said, the cloud of alleged improprieties threaten public confidence in this House. Can appointing a special prosecutor remove this cloud of darkness?

We heard this type of rhetoric, and it is just amazing how many of these people are silent. All of a sudden, independent prosecutor, oh, that is not a big deal. All of a sudden, apparently there is a different standard, that it is okay to go after individuals over history here on minor things but when we are questioning whether American technology was sold because of foreign money, when we are questioning whether inside deals were made on decision after decision, whether or not the very national security of this country has been at stake, well, then we do not really want to get into this.

Even though the FBI director says, "Hey, you are a democrat, you have a partisan stake, you do not really have credibility to do this," when her own Justice Department officials say you do not have the credibility to do this, we have to move ahead.

I commend the leader of this committee, the gentleman from Indiana (Mr. BURTON) for pushing to move this ahead.

We have lots of discussions in this country about sex and whether there has been cover-ups and this and that and who did what, but, there is a lot more to this story and we need to get to the bottom of this truth. It is our obligation to do so, and I commend the gentleman for his leadership.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from Indiana for all the service he gives to his constituents and the country by working so hard on the committee. I really appreciate it.

Mr. Speaker, I yield to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I just want to say after living through some of these investigations under both Chairman Clinger and now Chairman BURTON, I did have the idea last year that maybe we need a new Institute of Health at the National Institutes of Health. Its mission would be to test the water that is used on Capitol Hill and in the White House, and do that on a weekly basis and see if any elements in that water have caused the loss of memory that we have heard from so many witnesses when they come before us.

People have said that the Roman leadership died because the pipes were filled with lead. There are many private water dispensers in the legislative branch to keep that from happening.

We need a lot of trained medical doctors who ought to be studying this memory loss that occurs only within the District of Columbia. Washington is probably the only city in the world where nobody can remember what they did when they made a decision.

We, of course, remember. We have roll calls. Apparently they do not have roll calls elsewhere in this city and especially not at the other end of Pennsylvania Avenue.

Getting back to Attorney General Reno, a lot of people have forgotten that she gave Independent Counsel Starr a number of additional assignments. That was cleared with the three judge court. The independent counsel, in essence, is an officer of that court. That is why that person is independent.

In watching what has happened over the last few years and as a student of American history, to my knowledge, this is the first White House staff in the history of the United States, over 200 years, that consciously set up a war room to destroy the reputation of the independent counsel.

When that happened, the President should have stopped it. No president should let that kind of an operation exist in or out of the White House. It is wrong. It is a violation of the civility which ought to exist within the separation of powers. Attacks which have been made to discredit the independent counsel are shameful. It is a shameful act to let those attacks go on and on and yet the have every day. Even with Chairman Clinger, who was recognized as one of the most civil members in the House, people were going through his garbage and all the rest of it, and that type of heat—or psychological stalking—simply because people are doing their duty under the Constitution. That childish behavior should not be part of American politics. We can do better than that.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, I see that my time has about expired. Let me just end by saying, once again, for my colleagues, that there are 116 people, many friends of the administration, many people who are in the administration, who have taken the Fifth Amendment or fled the country. They do not want to talk to our committee. They do not want to talk to anybody because of the threat of self-incrimination, the threat that they might go to jail for what they have done; 116.

That is unparalleled in American history, as far as any administration is concerned, unparalleled. Millions and millions of dollars have come in from Egypt, from China, from Taiwan, from Macao, from Indonesia, from South America, into the campaign coffers of the Clinton/Gore campaign and the Democratic National Committee. Much of that money has not been returned. The American people have a right to know what was given in exchange for these contributions.

Foreign governments like communist China do not give great sums of money to foreign candidates, like the administration here in the United States, unless there is some reason for it. They do not give those large amounts of money just because they think we are nice. They want something in exchange. That is what we have to get to the bottom of. That is what we have to illuminate for the American people.

Now, they ran out the investigation, they ran out the time on the investigation of Senator THOMPSON in the other body. The investigation of the independent counsel, Mr. Starr, is about to be concluded. Our investigation in the House, I think they hope, would conclude at the end of this legislative session. I want my colleagues to know that we will write an interim report at the end of this month, and should we have the same control next January that we have right now and should I be the chairman of this committee come next January, if the American people have not had all the facts given to them about these illegal campaign contributions that may have jeopardized our national security or compromised

our foreign policy, then we will pick up the ball in January and go forward and get the facts for the American people. That is a promise I make to the people tonight.

SOCIAL SECURITY REFORM

The SPEAKER pro tempore (Mr. BASS). 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, tonight I want to talk about Social Security reform. I am going to be joined by the gentleman from Washington (Mr. SMITH), who is here also to talk about the same issue. We may be joined by other Democrats this evening.

This is an extremely important and controversial issue and it deserves more attention than the majority, the Republicans, have been willing to give it in the 105th Congress. I am increasingly concerned about the neglect of Social Security for a number of reasons. For one, Mr. Speaker, there is a lot of disinformation about the Social Security program and its connection to the budget surplus flying around these days and I intend to spend some time talking about that tonight.

While I am concerned about it, I think we can get the truth out there through education. What concerns me far more is the willingness by Republicans to dip into the surplus before we have strengthened the Social Security trust fund. We hear that on Thursday, this Thursday, the Committee on Ways and Means is going to be reporting out a bill by the gentleman from Texas (Mr. ARCHER), the chairman of the committee, that will basically be providing some kind of tax cuts, if you will.

□ 2100

The alleged basis for this is because we have a large surplus and will continue to have a large surplus over the next few years and therefore we can afford to have this tax cut. But what in reality is happening, Mr. Speaker, is that we are taking the money from essentially an unreal surplus, or money that could and should be devoted to make sure that the Social Security trust fund is sound.

In order to explain why what the Republicans want to do is a bad idea for Social Security, I first need to explain the connection between the surplus and the Social Security trust fund.

Mr. Speaker, the Social Security trust fund is funded through payroll taxes and the overwhelming majority of the money collected from payroll taxes goes into a fund called the Old Age Survivors and Disability Trust Fund. The fund also generates money through interest and other methods, including that from taxes on Social Security benefits themselves. But this fund in turn holds all money that is not used to pay benefits and administer the program itself. Federal law, from what I can tell going back to Franklin Roosevelt when Social Security was started, the Federal law requires that this remaining money, or the surplus or extra money, if you will, in the Social Security trust be invested in U.S. treasury securities.

So what this all means is that there is currently a surplus in the Social Security trust fund but the Federal Government uses this surplus to fund other portions of the Federal budget. In fact, if it were not for the surplus in the Social Security trust fund, there would be no budget surplus at all. This is what so many Democrats are saying now, that the true budget surplus is not a surplus at all. It is simply the money that has been borrowed, if you will, from Social Security and that has to be paid back with interest.

Let me just give you an example. The budget numbers for the current fiscal year basically bear this assertion out. According to the Congressional Budget Office, the Social Security trust fund will take in a $101 billion surplus in fiscal year 1998. But the CBO also projects that the total budget surplus for this fiscal year will be $8 billion. So if you take away the $101 billion going into the Social Security trust fund, the Federal budget would actually be in deficit for the year to the tune of $93 billion.

To say it succinctly, Mr. Speaker, were it not for a surplus in the Social Security trust fund, the total Federal budget surplus that everyone talks about here in Congress would not exist. Because that money in effect belongs to Social Security, Congress should not be talking about using a budget surplus for anything else but Social Security at this time. Until such time as this Federal budget can be in surplus without touching the Social Security trust fund surplus, Congress should not spend one penny on anything else.

Now, what we are hearing is that the Republicans want to do and they want to use that money for tax cuts before we preserve Social Security for the long term. That is simply not right. It basically is pulling the wool over the eyes, if you will, of the American people.

It is very important for me to add that Democrats do not just want to stop using the Social Security trust fund to fund the rest of the Federal budget, we want to ensure that the Social Security trust fund is strengthened for the long term. So we want to make sure that when the baby boomers, the generation that we call the baby boomers, are over 65 and are eligible for Social Security that there is enough money in the Social Security trust fund, or in the program to pay out those benefits. We believe this can be done fairly easily if the Congress remains committed to this goal as well.

Right now the Social Security trust fund is currently projected to take in more than it pays out until about the year 2029. The depletion of the trust fund's solvency is expected to begin around 2012 when the baby boom generation starts to retire. By 2019 it will still be taking in more than it pays out, but by 2029 the annual revenue coming into the trust fund will begin to experience a shortfall. So if nothing is done to correct it, in 2029 the Federal Government will only be able to meet about 75 percent of the benefits it currently pays out to Social Security recipients.

I want to emphasize again that this shortfall, Mr. Speaker, I think a lot of people are under the impression that the trust fund would be depleted at this time, and that is not the case. It would be a shortfall, but we have time to correct it. Over the long term, the system would be in balance but we still could fix it.

What we basically are saying is that even though it may not be a while before we face a real crisis in Social Security, that whatever surplus we generate now as a result of general revenues should be used and held, if you will, to pay back what is owed to Social Security, what has been borrowed, if you will, from the trust fund.

I guess basically what we are saying, Mr. Speaker, is that when this Ways and Means bill comes out on Wednesday and when it is reported out, we need to put in some language, if you will, it will be a Democratic substitute, that essentially says that none of these tax provisions click in until the time when there is enough money coming in from the so-called surplus to pay back what is owed to Social Security. That is why I think it is very important right now that we not rush into a situation where we give these tax cuts knowing full well that we still owe a lot of this money back to the Social Security trust fund.

I know it gets a little complicated and I am not trying to succeed in doing that, but I think when I had my town meetings during the August break and I had a few senior town meetings and also others where senior citizens came, they all understood that Social Security, the trust fund in essence was being borrowed by the Federal Government to pay other expenses and that a lot of money was owed back, and they clearly understood that there was not a real surplus that could be spent on tax programs or other budget priorities. We all like to spend money, we all like to give tax breaks if we can because we know that there is a need out there for a lot of things by the American people, but the most important thing, I think, is to shore up the Social Security trust fund so that people at least know that when they are paying into it and they

expect that when they retire that they are going to have the Social Security benefits, that it will be available to them.

We could go into this a lot more tonight and I know we will be going into it a lot more over the next few days. I would like to yield now to my colleague from Washington who basically started this debate on the floor this morning and I thought gave an excellent explanation about why we should not move ahead with what the Republican leadership wants to do.

Mr. ADAM SMITH of Washington. I thank the gentleman from New Jersey (Mr. PALLONE) for yielding, and I appreciate his kind words.

I think the important thing to remember in this discussion is there are two things at issue. One is certainly protecting Social Security, but the other is Fiscal responsibility. The two are linked and I think there are two things that we should stand up for and defend in this House, is both Social Security and fiscal responsibility.

In this whole debate that is going to brew in the next month before the end of the session is an excellent argument for taking Social Security off-budget. Let me explain what I mean by that because I think that gets to the heart of the debate. As the gentleman from New Jersey (Mr. PALLONE) explained very well, the way we do our budget right now is any surplus from the Social Security is simply thrown into the pot like it is income. It is counted against our overall deficit or surplus equation. To take it off-budget would basically recognize that we should hold Social Security separate. So if we have $100 billion in the Social Security trust fund and an $80 billion deficit in the overall budget, they are separate and you can look at a sheet and say, "Okay, we've got $100 billion over here but we're still $80 billion in debt over here." That is why I have been a strong advocate as have many others in the House of taking Social Security off-budget so we can have an honest look at the numbers.

It is very, very important to look at these numbers honestly, because with the Social Security budget, the thing to remember is, is it income or is it borrowed money? The way we budget makes it look like income, but it is very clear that it is not. It is very clear because we have to pay it back. That is sort of the way you tell. If someone gives you $10,000 and they give it to you, you can feel free to go out and spend it because you do not have to pay it back. But if they loan it to you, and in fact in this case loan it to you and say, "Plus you will agree to pay 6 percent interest," if you go out and spend the money, you are going to be in trouble because eventually that person is going to want it back. In essence that is what we do with Social Security. If we take the surplus and spend it, we are going to have to pay it back and the money is not going to be there. This is particularly troublesome because we are talking about Social Security. We are talking about something of critical importance that needs to be preserved. So let us take it off-budget and have an honest debate.

I would like to look at this for just a moment in the context of the overall debate. You hear a lot of talk about a surplus and the deficit, but you lose track of the overall debt which is basically the debt that we have accumulated over the last 30 years. That stands at around $5.4 trillion. To truly understand that, one needs to understand that in this year, fiscal year 1998, when we are claiming to have a surplus, we have an interesting situation that arises. One would think if we have a surplus this year, that should mean that the overall debt is going down. That makes perfect sense. If you have got an extra $20 billion, an extra $80 billion, well, the overall debt will go down because you can apply that to that debt. But what happens this year? The overall debt goes up. How is that possible? That is possible because again we are borrowing the money from Social Security and that is debt, that is money we have to pay back. We have to keep that in mind. But, and this is a particularly important point, my colleagues on the other side of the aisle know this. I know that they know this because they are the first ones that started making this argument.

In the late '80s and in the early '90s when they were complaining about the size of the debt, correctly, they bitterly accused the Democratic majority of masking the true size of that debt by borrowing from Social Security. This was just awful. I remember listening to that argument, this was back before I was in Congress or even in the State legislature, and I was very troubled by that argument as a Democrat. I was troubled because they were right. They were right on point. But now I am very disappointed that the Republicans have come into the majority and they have forgotten their own argument and are saying, no, this is a surplus, we can spend it on tax cuts or spend it wherever. It is not a surplus and they know that.

So I guess what I am asking for as a starting point is an honest debate. We have a lot of tough policy choices to make. Just today I had three different groups come into my office and ask for tax cut proposals, none of which are in the Republican proposal, by the way, that sounded like they made sense, sounded like I wanted to do it. I also had three different groups that came in with spending proposals that made a great deal of sense as well, and we want to do this. You want to try to help people. But you have got to be mindful of the future and fiscal responsibility. To spend all the money now is a disservice to future generations. We did it throughout the '80s and into the '90s and it was wrong. Now we are in a position finally, headed in the right direction and yet we want to snatch defeat from the jaws of victory by going back to the old ways. Everybody here knows that.

Let us have an honest debate. Let us stop talking about a surplus. I would urge the American public, any politician that comes up to you and says, "I'm going to do this, that or the other thing with the surplus," stop them right there and say, "You don't have a surplus," which means what you are really saying is you are going to do one of a couple of things: Either, one, you are going to continue to spend us into debt. I guess you could say that makes sense, that it makes sense to borrow money. I do not agree with it, but they can make that argument honestly. Or, two, you are going to have to get the money someplace else. Basically that breaks down into two choices. Either a revenue increase or a spending decrease. That is what they have to do.

So do not let politicians get away with saying, "Well, yeah, that program's really important and I don't want to have to find it someplace else, so I'll get it from the surplus." The surplus does not exist. I would urge everybody on this floor to do that as this debate unfolds over the course of the next month. Let us be honest about the numbers. I really feel that those are critical issues. We have very tough choices to make.

I guess I would close by saying a word to my Democratic colleagues. I think this is an issue of critical importance for Democrats, because we are the ones that believe at times government can have a positive effect on people's lives, in places like Social Security and Medicare and education and protecting the environment and defense and a number of other areas. If we are to be able to go back to the American public and say, we need some of your hard-earned tax dollars to pay for these, we are going to have to show them that government can at least be honest about the numbers. If they cannot look at our budget and truly know how we stand, if we stand up before them and create this mythical surplus to try to make them feel better, then I think in the long run the cynicism will increase about government's ability to be honest and be straightforward. We as Democrats have not always done a wonderful job of this.

I urge us to start right now to do the job that we should do, explain to people honestly how the budget works. I think that will help get confidence back because there are some critical programs we need to fund. The biggest one, and I will end on this point, is Social Security which is what the gentleman from New Jersey (Mr. PALLONE) started off talking about in the first place. We

need that program. It is vital to this country. Let us show people that we can manage it intelligently. Let us stop borrowing money from the Social Security trust fund and using it to mask the true size of the deficit. An honest debate would go a long way towards helping this Chamber and this country in many ways.

Mr. PALLONE. I just wanted to, if I could, take a few minutes to develop three points that I thought that the gentleman made that were really excellent. I want to commend him first for what he said because I think he states very succinctly what the problem is that we face with this Republican bill that we are going to have, this tax cut or tax proposal that is going to come up on Thursday.

There were three things that I wanted to follow up on. One is it is, of course, true, I would think, and I ask you this, that if we have this tax cut and it were to pass and it was not linked to some requirement that it would not be triggered until there is a true surplus, the whole point of this money having been borrowed from the Social Security trust, if you will, to pay for current expenses means that we have to pay it back. In other words, the way the Federal law was set up with Social Security, we have to pay it back with interest. So the reality is that if that money is not there, when it has to be paid out in a few years, we would probably have to do a tax increase.

Mr. ADAM SMITH of Washington. That is particularly critical to me. The way Social Security works, I will first be eligible to receive Social Security in the year 2032 which is coincidentally the precise year in which they currently estimate there will be no money.

□ 2115

So I have a personal interest and my constituents have an interest in it as well. Yes, I mean you will have to find the money somewhere, and that is not fair to future generations.

Mr. PALLONE. So the likely result is then of course, the other thing that I was going to say is that, and again following up on your point, is that the economy is good now. It is the best it has been for a while. If it were to turn around and not be so good, it would be even more difficult, it seems to me, to raise the revenue. You would have to have either higher tax increases to make up for this loss. So to me it makes no sense now when the economy is good and we are actually in a position to be generating a little bit of extra money. This is the time to put it back.

Mr. ADAM SMITH of Washington. Absolutely, and let us make one thing clear. It is not the Democrats who are opposed to tax cuts. You know the majority of Democrats in this body voted last year to cut taxes by nearly a hundred billion dollars. It needed to be done, and with the right proposal, with the right offsets, and that is the key point if we wish to cut taxes, if we have a couple of key areas where taxes need to be cut, and I think there are a couple, find some place to offset the money either through changing the revenue so that you have eliminating the deduction or cutting spending somewhere.

But as I see the debate unfold, in the month that we were back in our districts, you know this $80 billion is apparently supposed to just fall out of the sky, and where it is falling from is not the sky, it is falling from the Social Security Trust Fund.

So when anyone makes an argument in here, I am going to give you a tax cut, and you say, well, where is the money going to come from, they say it is going to come from the surplus; that is not true, and I hope we can hold people up to that truth and say where the money is really coming from.

Mr. PALLONE. The second point that you made that I wanted to just develop a little as you talk, and this comes out of my town meetings all the time. As you know, our constituents are pretty intelligent, they understand a lot of these things, and one of the things that constantly came up during the August break at my town meetings was the fact that people are aware that we have this huge debt out there that keeps collecting interest. You brushed upon that. I mean we have been mainly talking about why this Republican tax proposal is wrong because of Social Security, but you could also look at it from the other point of view, which is that we still have this huge debt that we are paying back. When we are told by whatever that there is a surplus this year, that is only a surplus for general revenues for this fiscal year. There is still all this money that we owe from previous years that has to be paid back. So you could use that argument as well to justify why there should not be a tax, why this tax proposal should not go forward.

Mr. ADAM SMITH of Washington. Or, I will emphasize this, or any dramatic increases in spending, because there are certainly a lot of programs; you know, Head Start, a variety of other ideas out there. But if the revenue is not made up somewhere, we should be very cautious about doing that as well, because that too will contribute to the debt. And right now the interest that we pay on the debt is 14 percent of our budget. That means 14 percent of the money that we are spending is simply going to service the debt, it is not going to provide health care for seniors or children in poverty, it is not going to give middle class children access to education, it is not going to protect the environment, it is not going to give us a stronger defense. It is going straight into pay our debt.

And so as that number keeps going up, that 14 percent number keeps going up as well, and that basically puts us in a real bind.

Mr. PALLONE. Sure. And then the last thing I wanted to say, and I think is sort of the true irony, is that the Republicans, of course, during this balanced budget debate over the last few years posed themselves as the conservatives. And the bottom line is that the two of us and others that have taken the position we are talking tonight are the true conservatives from a fiscal point of view.

In reality what the Republican tax proposal is essentially, you know, I do not want to use the term "liberal," but it is just basically fiscally irresponsible. And if you are really concerned about fiscal responsibility and you really are conservative, you take the point of view that you are taking tonight. I think that is ironic, but I have to say it because it is true.

Mr. ADAM SMITH of Washington. Well, I had a friend of mine in college who was a Republican, but he used to say, you know, Democrats are tax and spend, Republicans are just spend. And I think the truth in what I see the Democrat Party becoming and why I am so proud that we supported the balanced budget agreement from last year is spend responsibly. I mean, that is what it is about. There are things in this country that people want done. We want to make sure that our seniors have an adequate pension, that they have adequate health care, that our young people have access to education. Well, let us do it in a responsible manner. Let us make the programs as efficient as possible, and let us pay for them. Let us not just run up a debt to please people in the moment at the expense of the future. And that is really what it is about is just, okay, well, gosh, I make this person happy right now, and you know maybe I will even be out of Congress by the time we have to pay that bill so I will not have to worry about it. But that is a disservice to the country.

And you are right. Part of being conservative to my mind is a pay-as-you-go philosophy, is being fiscally conservative, and I am still optimistic that enough colleagues on the other side of the aisle, having made this same argument that we are talking about here so repeatedly in the past, will rise up to the challenge, make it again in the future even if we are 7 weeks from an election and will make the responsible choice for the future.

Mr. PALLONE. Well, I think you are pointing out another point as well tonight, and I appreciate your bringing it up, and that is that to some extent, I think to a large extent, this is just being done by the Republicans for political purposes because the election is a few weeks away. Because I think we have already heard pretty much from

the other body, from the Senate, that they are not going to take this up. And so this is not a proposal that is likely to go anywhere, it is just going to be passed in the House so that Republicans can go back and say, oh, they did this and somehow benefit from it on election day.

Mr. ADAM SMITH of Washington. And I will tell you what my experience has been with my constituents, and we get into this all the time as we come up towards the election. We want to give stuff away. We think that is what is going to make people happy. We will give them a new spending program, we will give them a new tax cut, we will basically, you know, pretend like it is Christmas and pass all kinds of stuff out.

What I found with my constituents is what makes them happy is if we are making sound decisions up here, if we are spending the money wisely, paying as we go, being fiscally conservative and responsible. So I do not even think the tactic of passing out the goodies, as it were, I do not think it works. I think the people are fed up with, you know, record high deficits and record high debt, will want to get back to an age of responsibility, and, like I said, I am optimistic that ultimately that philosophy will win out.

Mr. PALLONE. I think you are right, and I think that we are going to hear more about this over the next few days, but I am glad that we are able to spend some time tonight on it because this is going to be a major part of the debate over the next few days and the next few weeks here.

So thanks again.

GOVERNMENT OVERSIGHT RESPONSIBILITIES

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.

Mr. SOUDER. Mr. Speaker, let me state at the beginning here a couple of entry points.

One, I talked last night and earlier tonight a little bit on this particular subject, and I do not want to give the impression that that is all that I am focusing on or anybody else here is focusing on. All day long we have been debating multiple bills. I spoke on the juvenile justice bill, on the medicinal use of marijuana bill. We also passed Congressman SESSIONS' methamphetamine bill, many other pieces of legislation. I met for several hours with the Higher Education Conference Committee. We do many things. But one of the things we do have a charge of is government oversight.

It is also very difficult, and I know it seems kind of curious as we discuss some of these matters, that we are under very tight and wise rules about what we can and cannot say, and it is like having a hundred or a thousand or a million pound gorilla out there on one subject right now that we cannot talk about. And we have to be very careful about what we say about the highest leaders in our land and about other Members, and I think those rules are good.

So sometimes if it seems we are a tad evasive at this point, it is not that we are in general, but on this House floor I think we have high standards to meet, we have weighty matters before us, as we have had before in this country's history. And I know many Americans wish this would just go away and that we would not have to deal with these subjects. But in fact we do, that it is not just a question of moral outrage. I have been outraged for an extended period of time, and, like others, I have called for resignation on what I believe is the lack of moral leadership in this country.

But we have high standards that we have to go through here in multiple ways, and it is not just about one aspect of anything, and for those who say cannot you just get this over with, there are lots of questions that we have to explore here.

We need to know whether our government has been for sale. A lot of people think all the matters that have gone on in Washington are related to sex or even about whether or not individuals have told the truth in front of a jury or tried to influence others. But it goes far beyond that, and we need to get to the bottom of the truth, and any kind of interim measure is not going to work because the fact is that it would shut off other questions that need to be investigated as well; questions, as I tried to illustrate last night, that have been stonewalled.

We have had 116 people either flee this country in order to avoid questions, or have pled the fifth amendment. As I illustrated last night, if we put those names across the front, they would cover this entire well, and by House rules I was not able to do that because it would violate House decorum because it would block the whole front of this with the names of people who will not participate in oversight investigation of their country because they might go to jail if they talked.

We have had, and it is a frightening trend, and it is hard to tell where it goes and who, but we have to get to the bottom of this. We cannot have what is in effect like the TV movies, or last night I used an example from the Twilight Zone, where a whole town refuses to talk because if nobody talks, then you cannot ever get to the bottom of the truth.

Earlier tonight we talked about whether there should be a special prosecutor for campaign finance. We cannot just try to lock up the little people and not get to the big people. We had that debate today in juvenile justice, we had that debate, and we will again tomorrow in our drug laws. At what point do you say you are not going to just lock up every end user, if it is against the law you are going to be punished, but that we have got to get to the people who are selling them and the people who are selling them. The question is who is making the decisions that have compromised the integrity across the board in many cases enough that we have five special prosecutors looking at Cabinet members, or have had, we have them looking at White House officials. We have a former second-ranking official in the Justice Department who has been in prison. We have the legal counsel at the White House has committed suicide. We have deep troubles in this country that we need to pursue, and I want to go through tonight, which I only started last night, some of the individuals that we are trying to get to talk and some of the questions.

I want to start with a man named Johnny Chung.

On June 20, 1998, the Washington Post reported stunning allegations made by DNC donor Johnny Chung that he knowingly received $300,000 from a Chinese Army officer, an aerospace official, for the purpose of making political contributions. In March of 1998, Chung pled guilty to orchestrating illegal conduit contributions and other related charges, is now reportedly cooperating with Justice Department officials.

Johnny Chung gave $366,000 to Democrats in the 1996 campaign. Following the 1996 elections, the DNC returned all of these contributions because of doubts about the origins of the money. According to the Washington Post, Chung has told the Justice Department that at least $80,000 of the money he contributed came from Liu Chao Ying, a formal lieutenant colonel in the Chinese Army. Chung further alleged that top DNC officials such as Richard Sullivan, the former DNC Finance Director, continued to solicit donations from him, despite having good reason to believe that the donations were illegal. Chung became prominant as a DNC contributor and frequent White House visitor during the 1995–96 campaign cycle when he presented a $50,000 check to the First Lady's chief of staff, Maggie Williams, on March 9, 1995, inside the White House. This contribution paved the way for Chung to bring a delegation of high-level Chinese business executives to the weekly radio address. Just prior to making this contribution, Chung received a $150,000 wire transfer from the Haomen Beer Company in China. After the event, Chung was informed by Richard Sullivan of the DNC that the photographs that were taken with high officials and Chung's business associates would not be released to him due to the objections of the National Security Council.

One NSC official even referred to Chung as a hustler.

The photos were eventually released to Chung, but only after he contributed an additional $125,000 at an April 1995 DNC fund-raiser in China. Chung has been quoted as saying, quote, the White House is like the subway, you have to put coins in to open the gates, end quote.

Chung's success at a DNC fundraiser gave him unfettered access to the White House. The White House WAVE records show that between February 1994 and February 1996, Chung was admitted into the White House 49 times. In October 1995 Chung escorted the chairman of China Petrochemical Corporation, Mr. Chiang to a series of high-level meetings in Washington.

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Arranged meetings for him with the Energy Secretary Hazel O'Leary, Assistant Secretary of the Treasury Lawrence Summers, and DNC Chairman Donald Fowler. Chung then donated $25,000 to Africare, a favorite charity of O'Leary, and introduced him to let us say a high-ranking official at the dinner.

Chung invoked the Fifth Amendment in response to a subpoena to testify before the committee in November 1997. He gave a partial briefing to committee members, including me, behind closed doors on the condition that his statements be kept confidential.

Questions we would like to ask Johnny Chung: Did you donate up to $100,000 to democratic campaigns that came from Liu Chao Ying the head of China Aerospace International and the lieutenant colonel in the People's Liberation Army?

Was Liu Chao Ying hoping to get something specific in return?

Of the $366,000 that Chung donated to the DNC, how much originated outside of the United States of America illegally?

Why did Chung bring senior executives from China Petrochemical Company to meet with the Energy Secretary O'Leary and Assistant Secretary Lawrence Summers in October 1995?

It would be nice if we could ask those questions.

John Huang is a naturalized U.S. citizen. He was a senior executive at Lippo Bank in Los Angeles where he reported to James Riady. He and his wife personally donated over $20,000 to the DNC and DSCC during the 1992 election cycle. He also donated $86,000 to the Presidential Inaugural Committee in January of 1993. One week later, he was reimbursed of the $86,000 by Lippo Bank. Huang left Lippo in June of 1994, after a successful lobbying effort by James Riady to place him in the administration. Internal DNC memorandum show that he was listed as a "must consider" for such appointments at either Commerce, Treasury or State Departments. John Huang was approved for a position as Deputy Assistant Secretary for East Asia and the Pacific at the Commerce Department by the President.

He received a "interim top secret clearance" 6 months before he began his job at Commerce. In his new position, he kept close ties to officials at Lippo Bank in Indonesia, telephoning at least 70 times from his Commerce office, all while receiving at least 37 classified briefings. He also visited the White House at least 78 times between July 1, 1995 and July 3, 1996.

On September 13, 1995, he had attended a meeting in the Oval Office with the highest ranking officials in this country and also staff, including Bruce Lindsey, James Riady, and Joe Giroir. At this meeting, a decision was made to move Huang from the Commerce Department to the DNC where he would target his fund-raising efforts primarily on the Asian American community. Three months later, in December of 1995, he resigned to become a fund-raiser for the DNC. He raised between $3 and $4 million while at DNC. He was a primary contact for Charlie Trie and Pauline Kanchanalak, both of whom have been indicted by the Justice Department in its ongoing campaign finance probe. The DNC has returned more than $3 million he raised. These contributions were returned because they were either illegal or suspicious.

He invoked the Fifth Amendment on February 18, 1997 in response to a House subpoena dated February 13, 1997. Here are some questions we would like to ask him:

It is clear that you and Charlie Trie were working together at some level to raise money for the DNC. We would like to know if you were aware of Charlie Trie's numerous conduit contributions.

We would like to know if John Huang was aware that the $450,000 that he solicited for the Wiriadinatas came directly from Indonesia.

We would like to know if John Huang was aware that the donation by Pauline Kanchanalak came directly from Thailand.

We would like to know if John Huang solicited contributions while he worked at the Commerce Department.

We would like to know if John Huang passed on information he received during classified briefings to anyone at the Lippo Bank, since, while he was receiving the classified briefings, he made 70 calls to Lippo Bank.

We would like to know if John Huang used his influence within this administration to benefit the Riady family in any way.

And once again, as I pointed out last night, remember, it is that family that had concerns about the drilling in the parts of the Escalante wilderness area that had concerns about China, that had concerns about Vietnam.

Ted Sioeng, his family and business associates, contributed over $700,000 into the American political process from 1995 to 1996. The committee has determined that the majority of this money was derived from foreign sources or otherwise legally impermissible. Sioeng's contributions, either personally or through his business associates and family members, were given to a variety of Federal, State and local political organizations and candidates. The largest beneficiary of his contributions was the DNC. The DNC received $400,000 from his business associates and family members, $150,000 of which was also given to Republican causes.

Over 28 witnesses relevant to the committee's investigation of Ted Sioeng have asserted their Fifth Amendment right against self incrimination, left the country, or refused to be interviewed.

He is an Indonesian-born businessman who travels on the Belize passport. His major business is the production and distribution of China's number 1 selling cigarette brand, Red Pagoda Mountain. The committee believes Sioeng improperly directed illegal foreign contributions to the DNC and other political entities and candidates.

The Senate Committee on Governmental Affairs concluded that he had "worked, and perhaps still works, for the Chinese government." The committee has developed substantial evidence to support the Senate's conclusion.

Ted Sioeng left the country in early 1997. Since that time, he has refused to cooperate with the investigations being conducted by the House and the Senate. He is believed to reside in Hong Kong or the People's Republic of China.

Questions we would like to ask him:

Did you ask your daughter to donate $100,000 to the DNC in February 1996?

Why have more than 20 members of your family or circle of business associates either taken the Fifth Amendment that you would incriminate yourself if you testified, or fled the country?

Did Sioeng arrange a scheme in which at least $300,000 in contributions to the DNC were funded from bank accounts in Indonesia and Hong Kong?

James Riady is an Indonesian-based banker and son of Mochtar Riady, chairman of the Lippo Group, a $500 billion Asian business empire. James Riady is a permanent resident of the United States. In 1977, he met our current President when he was serving as Arkansas's State Attorney General. James was sent by his father to Arkansas to learn the banking and finance business at Stephens, Inc.

In its report on campaign finance, the U.S. Senate suggests that the

Riady family has 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 business 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 in return for their political support for the President." Other reports have indicated 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 the deputy White House Chief of Staff Mark Middleton. He lives in Indonesia and has refused to be interviewed by this committee in January 1998.

Questions we would like to ask Mr. Riady:

Did you lobby the President to get John Huang's job in the Commerce Department?

Did you ask the top leaders of our country, did you or your father, were you asked by the top leaders of our country to pay $100,000 fee to Webb Hubbell while Hubble was under investigation?

Let me repeat that, because I tripped over that. We want to know whether he or his father, since they paid $100,000 fee to Webster Hubble, which helped in our opinion possibly to keep Webster Hubble from cooperating, did he get asked by anybody at the White House. But we cannot ask him that, because he will not cooperate.

Did the Lippo Group receive any classified information from January Huang while he was at the Commerce Department who we have already documented called that group from 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 early 1990s? They are very a prominent, practical and capitalist company. It is doubtful they were just throwing their money away.

Ng Lap Seng is a Macao businessman and Charlie Trie's business partner. They jointly owned a Macao company, through which, according to the FBI, Ng wired Trie more than $900,000, part of which Trie donated to the DNC.

Maria Shaw is being investigated for one of the classic cases that we have ever seen: a bunch of Buddhist nuns who gave $100,000 each, but do not understand where the money came from, and where prominent officials of the United States participated in that period where that money was transferred and apparently knew it was a fundraiser. That is under investigation.

Charlie Trie is a long time friend from Arkansas of people in this administration where he ran a Chinese restaurant in Arkansas. He served as a trustee to the Democratic national party and was afforded liberal access to the White House and the top leadership at the White House. Trie was admitted to the White House on at least 45 occasions to visit with Mark Middleton and others. Mr. Trie is believed to have used members of his own family and other associates to funnel over $600,000 in illegal conduit payments to the Democratic National Committee during the 1996 campaign cycle. President Clinton was once quoted as saying, "Charlie has been a close friend of mine for 2 decades."

Trie brought $645,000 in contributions to the President's legal defense fund. Many of them were in sequentially numbered cashiers checks. All were returned after it was learned they were connected to a Buddhist cult in Taiwan.

Trie came into possession of $200,000 in travelers's checks that came from Jakarta, Indonesia. At least $50,000 of this money was used for conduit contributions.

Trie received over $1 million in wire transfers from his patron in Macau. Again, much of this money was used for conduit contributions. In April of 1996, Trie was appointed by President Clinton to the Commission on United States Pacific Trade and Investment Policy, which advised the President on ways to "achieve a significant opening in Japan, China and other Asian and Pacific markets to U.S. businesses."

After his named surfaced in the press in connection to the illegal fund-raising scandal, Trie fled to China. He was reportedly living in Shanghai. In June 1997, NBC news interview with Tom Brokaw, Trie boasted he could stay in China for 10 years. He ultimately did return to the United States following his indictment. Trie quipped, "congressional investigators will never find me."

Charlie Trie initially left the country for a year in 1997. He invoked the Fifth Amendment on May 11, 1998, in response to a March 25, 1998 committee subpoena.

Questions we would like to ask Charlie Trie:

Why did you use conduit donors to make contributions to the Democratic party?

Did the $200,000 in travelers checks come from the Riady family in Indonesia and clearly trying to influence the foreign policy of this country? Why did Trie flee the country in the wake of the campaign finance scandal?

Why was Ng Lap Seng giving Charlie Trie hundreds of thousands of dollars to make illegal contributions here in the United States?

Did the top people in this government who knew Trie from Arkansas ever question where he was getting the hundreds of thousands of dollars that he was giving to their party? They knew him, they knew he did not have the money.

Pauline Kanchanalak, citizen of Thailand, was one of the most prominent witnesses to have fled this country. She recently returned to the United States after she was indicted by a Federal grand jury in Washington on charges of funneling at least $679,000 in illegal foreign contributions to the DNC and State Democratic parties.

The Justice Department has also indicted Kanchanalak's business associate and sister-in-law, Duangnet Kronenberg, who has taken the Fifth Amendment. According to the indictment, Kanchanalak and Kronenberg served at conduits for contributions for foreign companies and individuals into American campaigns. The Justice Department itself has alleged that Kanchanalak and Kronenberg gained access to the top leaders, I will not say who, because of House rules. This access was intended by defendants to impress clients and help their business ventures. In fact, Kanchanalak visited the White House at least 26 times, Kronenberg at least 9 times. Kanchanalak donated $32,000 to the DNC in October 1994, 2 days after the Commerce Department trade officials and John Huang helped arrange the inaugural ceremony for a U.S. Thailand business council at the White House. The 2 also gave a total of $135,000 to the DNC on the same day that Kanchanalak and Huang escorted 3 businessmen into a White House coffee. One businessman did most of the talking about the People's Republic of China.

The DNC has returned $253,000 in illegal contributions from Kanchanalak, but has not returned any of the $105,000 in contributions from Kronenberg. Both were also charged with obstruction of justice shortly after the campaign finance scandal broke. The 2 removed boxes of files from their offices and hired someone to erase the memories of their computers.

A point I want to make about what we were talking about tonight. You have heard me in a number of these cases refer to people who have been indicted. The question is, and this is what was at the core of our insisting on a special prosecutor, because we heard the FBI director and Mr. Labella tell our committee that you cannot get a fair investigation, and to suggest strongly that Democratic appointed officials, as the Attorney General is, cannot be neutral, and that, in fact, there are questions whether they have been going individually after these cases.

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Much like what would happen sometimes in a drug bust in Fort Wayne or in Kendallville or in Huntington we can get excited in our district because it is a big drug bust there, and we close it down. Instead of getting to the next level and the next level.

What I have been suggesting and you have been watching the pictures is this

is massive. Let me remind you again, there 116 people; 79 have plead the Fifth Amendment, the rest have fled the country or in one way or another dodged subpoenas.

If I put their names up here 10 at a time, it would cover this whole stage. If I stacked them up here 10 on a board at a time, it would go clear to the top of this ceiling.

This is a massive problem that we are facing. People say, why can you not close this down? Why can you not get to the truth? You are hearing we cannot get fundamental questions answered because people will not cooperate. It is like a whole city being in on something saying we are not going to talk.

We need a few Americans who know the truth to stand up and say what they know so we can continue to move, or we need to start offering immunity to these people. It cannot be done under a partisan Justice Department. That is what the FBI director is saying, and that is what the Justice Department's own career people are saying. And it has to be done.

This is not about sex. The whole country is abuzz about sex. But there are other matters here, too. We have seen a pattern. As we heard last night in the Teamsters, the same names are showing up. The same names are showing up when we start to look at the Indian casino questions. The same names show up in scandal after scandal after scandal.

When are we going to get to who is coordinating this and at what level and who knew about it and when, the basic questions that we heard in Watergate years ago?

A man known as Antonio Pan is a former high-level Lippo executive based in Hong Kong. He was involved in Lippo's business ventures during China. He became an associate of Charlie Trie and was indicted along with Trie on charges related to illegal fundraising on January 28, 1998.

In October of 1995, Trie and Pan invited then Commerce Secretary Ron Brown to attend a fund-raising dinner while on a Trade Mission to China. At this dinner, Trie asked many of the attendees, many of whom were not United States citizens or permanent residents, to contribute to the DNC.

During February 1996, Pan was also active in soliciting conduit contributors for the DNC and reimbursing them with cash on behalf of Trie. Pan sent $25,000 in cashier's checks, via overnight delivery, to Trie's sister, Manlin Foung, in order to reimburse her for contributions to the DNC.

The money is believed to have originated with the travelers checks Trie received from Indonesia. Pan also allegedly received $80,000 in cash in August 1996 from Ng Lap Seng and used most of the money to reimburse straw contributors in Los Angeles that he had persuaded to write checks to the DNC for the President's 50th birthday party in New York City. Pan has left the country and cannot be located.

Questions we would like to ask Mr. Pan: Why did Pan open a savings account at the Amerasia Bank in Flushing, New York with $25,200 in cash, within minutes withdraw $25,000 and then send it to Charlie Trie's sister and her boyfriend in California?

Why did Pan share a bank account with Charlie Trie?

Witnesses have told the House Committee on Government Reform and Oversight that in 1996, Pan withdrew $80,000 in cash and delivered portions of it to individuals in Los Angeles who then sent it to the Democratic Party.

Where did this money come from originally? Who asked him to generate these contributions? Were Antonio Pan and Charlie Trie working on behalf of the Riady family of Indonesia, or were other foreign entities behind their activities?

These are grave questions. I am sure in future days we will be going through other names illustrating this point in other ways. But tonight, I wanted to give my colleagues an idea of the depth of the problem we are facing in this United States government.

The problems that we have been abuzz about over the last few days are not going to just go away. In fact, we have special prosecutors in addition to Judge Starr being appointed; times extended. We are going to have some more.

There is only one way that the problem can go away. But we need to get to the bottom of this. We cannot do any slap on the wrist, any verbal gymnastics here to try to avoid the tough questions.

We have to know, has this government been for sale at the highest levels, especially possibly to foreign influences? Have there been patterns of cover-up throughout this entire government, not knowing what level it gets to? I don't know that. We have 116 people that will not talk to us. And they may turn up other names, if some of them start to talk, of other people we need to go to.

But we have been inching up and inching up. It is clear there is a pattern that is far beyond the political appointee of this White House to solve. We need a special prosecutor. We need to hear that investigation. We need to hear what the gentleman from California (Mr. COX) turns up in his investigation. We need to see what the Committee on the Judiciary turns up. We need to see what the Teamsters investigation of the gentleman from Michigan (Mr. HOEKSTRA) turns up. We need to see how these things come together. If necessary, this House will have to do whatever it needs to do.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HARMAN (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. EHRLICH (at the request of Mr. ARMEY) for after 7 p.m. Today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. GEPHARDT, for 5 minutes, today.
Mr. LANTOS, for 5 minutes, today.
Mr. MINGE, for 5 minutes, today.
Mrs. MALONEY of New York, for 5 minutes, today.
Mr. CONYERS, for 5 minutes, today.

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. DELAY, for 5 minutes, today.
Mr. WOLF, for 5 minutes, today.
Mr. PAPPAS, for 5 minutes, on September 16.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCNULTY) and to include extraneous material:)

Mr. KIND.
Mr. MENENDEZ.
Ms. SLAUGHTER.
Mr. HAMILTON.
Mr. KENNEDY of Rhode Island.
Mr. KENNEDY of Massachusetts.
Mr. BLAGOJEVICH.
Mr. UNDERWOOD.
Ms. NORTON.
Mr. LANTOS.
Mr. FRANK of Massachusetts.
Mr. SKELTON.
Mr. BONIOR.
Ms. DELAURO.
Mr. FILNER.
Ms. STABENOW.
Mr. CONYERS.

(The following Members (at the request of Mr. DREIER) and to include extraneous material:)

Mr. GILMAN.
Mr. DAN SCHAEFER of Colorado.
Ms. ROS-LEHTINEN.
Mr. MICA.
Mr. EVERETT.
Mr. CAMPBELL.
Mr. GILMAN.
Mrs. EMERSON.
Mr. HANSEN.

(The following Members (at the request of Mr. SOUDER) and to include extraneous material:)

Mr. PARKER.
Mr. BROWN of California.
Mr. DELAY.
Mr. BLUNT.
Mr. BURTON of Indiana.
Mr. OBERSTAR.
Mr. RYUN.
Mr. PACKARD.
Mr. BOB SCHAFFER of Colorado.
Mr. PICKERING.
Ms. STABENOW.
Mr. GOODLATTE.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

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.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, September 16, 1998, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

10885. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule— Kiwifruit Grown in California; Relaxation of Pack Requirements [Docket No. FV98-920-4 IFR] received September 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10886. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Milk in the Southwest Plains Marketing Area; Suspension of Certain Provisions of the Order [DA-98-08] received September 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10887. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Uniform Financial Reporting Standards for HUD Housing Programs [Docket No. FR-4321-F-03] (RIN: 2501-AC49) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10888. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Public Housing Assessment System [Docket No. FR-4313-F-03] (RIN: 2577-AB81) received September 2, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

10889. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] received September 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

10890. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Anthropomorphic Test Dummy [Docket No. NHTSA-98-4358](RIN: 2127-AG75, 2127-AG80, 2127-AG94) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10891. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision; Ventura County Air Pollution Control District [CA 009-0090a FRL-6142-3] received August 13, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10892. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Ashton, Idaho and West Yellowstone, Montana) [MM Docket No. 97-200, RM-9144, RM-9313] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10893. A letter from the AMD—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Albion, Honeoye Falls and South Bristol Township, New York) [MM Docket No. 98-8, RM-9178] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10894. A letter from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 309(j) of the Communications Act—— Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses [MM Docket No. 97-234] Reexamination of the Policy Statement on Comparative Broadcast Hearings [GC Docket No. 92-52] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10895. A letter from the Acting Secretary, Federal Trade Commission, transmitting the Commission's final rule—Trade Regulation Rule Regarding Use of Negative Option Plans by Sellers in Commerce [16 CFR Part 425] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10896. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule— 1998-99 Refuge-Specific Hunting and Sport Fishing Regulations (RIN: 1018-AE68) received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10897. A letter from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock Sole/Flathead Sole/''Other Flatfish'' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 971208298-8055-02; I.D. 081498A] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10898. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Recordkeeping and Reporting Requirements [Docket No. 980112009-8196-02; I.D. 110697B] (RIN: 0648-AK36) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10899. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety And Security Zones; Presidential Visit, Martha's Vineyard, MA [CGD01-98-114] (RIN: AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10900. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Gulf of Alaska, southeast of Narrow Cape, Kodiak Island, Alaska [COTP Western Alaska -98-003] (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10901. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Suisun Bay, Sacramento River, San Joaquin River, San Francisco, CA [COTP San Francisco Bay; 98-021] (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10902. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Connections Unlimited Fireworks, New York Harbor, Upper Bay [CGD01-98-123] (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10903. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; San Juan Harbor, San Juan, PR [CGD07-98-023] (RIN: 2115-AE84) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10904. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: KENNEDY Fireworks, New York Harbor, Upper Bay [CGD01-98-113] (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10905. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Baptiste Collette Bayou from Lower Mississippi River Mile 11.3 to Lighted Buoy #21 in Breton Sound (RIN: 2115-AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10906. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation Model S-61A, D, E, L, N, NM, R, and V Helicopters; Correction [Docket No. 97-SW-18-AD; Amendment 39-10126; AD 97-19-06] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10907. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Drawbridge Operation Regulations: Lake Champlain, VT [CGD01-98-124] (RIN: 2115-AE47) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10908. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Anacostia River, Washington D.C. [CGD05-98-017] (RIN: 2115-AE47) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10909. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Fireworks displays within the First Coast Guard District [CGD01-98-127] (RIN: 2115-AE46) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10910. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 and 767 Series Airplanes Equipped with Rolls-Royce Model RB211-52G/H Engines [Docket No. 98-NM-194-AD; Amendment 39-10715; AD 98-17-13] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10911. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace (Jetstream) Model 4100 Series Airplanes [Docket No. 98-NM-86-AD; Amendment 39-10714; AD 98-17-12] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10912. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SA 3180, SA 318B, SA 318C, SE 3130, SE 313B, SA.315B, SA.316B, SA.316C, SA.319B, and SE.3160 Helicopters [Docket No. 98-SW-36-AD Amendment 39-10716; AD 98-16-02] (RIN 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10913. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Textron Lycoming and Teledyne Continental Motors Reciprocating Engines [Docket No. 98-ANE-27-AD; Amendment 39-10713; AD 98-17-11] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10914. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Afghanistan [Docket No. 27744; SFAR 67] (RIN: 2120-AG56) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10915. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Territory and Airspace of Sudan [Docket No. 29317; SFAR 82] (RIN: 2120-AG67) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10916. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of the Legal Description of the Memphis Class B Airspace Area; TN [Airspace Docket No. 98-AWA-1] (RIN: 2120-AA66) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10917. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety And Security Zones; Presidential Visit, Martha's Vineyard, MA [CGD01-98-115] (RIN: AA97) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10918. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Clinton, IA [Airspace Docket No. 98-ACE-26] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10919. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hartford, KY [Airspace Docket No. 98-ASO-10] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10920. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Savannah, TN [Airspace Docket No. 98-ASO-7] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10921. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Financial Responsibility Requirements for Licensed Launch Activities [Docket 28635; Amendment No. 98-1] (RIN: 2120-AF98) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10922. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Mentor-Protege [48 CFR Part 1819] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10923. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Disaster Loan Program [13 CFR Part 123] received September 9, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

10924. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Special Disaster Relief [Announcement OGI-116078-98] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10925. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Former Indian Reservations in Oklahoma [Notice 98-45] received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10926. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate and Gift Tax Marital Deduction [TD 8779] (RIN: 1545-AU27) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10927. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Estate of Clara K. Hoover, Deceased, Yetta Hoover Bidegain, Personal Representative v. Commissioner, 69 F.3d 1044 (10th Cir. 1995), rev'g 102 T.C. 777 (1994) [T.C. Docket No. 18464-92] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10928. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Barry I. Fredericks v. Commissioner No. 96-7748 (3d Cir., Filed September 11, 1997, amended September 18, 1997), rev'q T.C. Memo. 1996-222 T.C. Dkt. No. 16442-92—received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10929. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on Decision [McCormick v. Peterson CV93-2157 (E.D.N.Y. 1993), 94-1 USTC 50, 026] received August 28, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

10930. A letter from the Director, Defense Security Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 98-52), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10931. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representative Office in the United States for defense articles and services (Transmittal No. 98-56), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10932. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representative Office for defense articles and services (Transmittal No. 98-54), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

10933. A letter from the Director, Defense Security Assistance Agency, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of June 30, 1998, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

10934. A communication from the President of the United States, transmitting the annual report of the activities of the United States Government in the United Nations and its affiliated agencies during the calendar year 1997, pursuant to 22 U.S.C. 287b; to the Committee on International Relations.

10935. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron, Inc. Model 214B, 214B-1, and 214ST Helicopters [Docket No. 94-SW-29-AD; Amendment 39-10717; AD 98-18-01] (RIN: 2120-AA64) received August 26, 1998, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10936. A communication from the President of the United States, transmitting the annual report on the Nation's achievements in aeronautics and space during fiscal year 1997, pursuant to 42 U.S.C. 2476; to the Committee on Science.

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. YOUNG of Alaska: Committee on Resources. H.R. 2108. A bill to dispose of certain Federal properties located in Dutch John, Utah, and to assist the local government in the interim delivery of basic services to the Dutch John community, and for other purposes; with an amendment (Rept. 105–714). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1481. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report; with an amendment (Rept. 105–715). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska. Committee on Resources. H.R. 2812. A bill to provide for the recognition of certain Native communities under the Alaska Native Claims Settlement Act, and for other purposes (Rept. 105–716). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska. Committee on Resources. H.R. 4079. A bill to authorize the construction of temperature control devices at Folsom Dam in California (Rept. 105–717). Referred to the Committee of the Whole House on the State of the Union.

Mr. CALLAHAN: Committee on Appropriations. H.R. 4569. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes (Rept. 105–719). Referred to the Committee of the Whole House on the state of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 537. Resolution providing for consideration of the bill (H.R. 4300) to support enhanced drug interdiction efforts in the major transit countries and support a comprehensive supply eradication and crop substitution program in source countries (Rept. 105–720). Referred to the House Calendar.

Mr. McINNIS: Committee on Rules. House Resolution 538. Resolution providing for consideration of the bill (H.R. 4550) to provide for programs to facilitate a significant reduction in the incidence and prevalence of substance abuse through reducing the demand for illegal drugs and the inappropriate use of legal drugs (Rept. 105–721). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3445. A bill to establish the Commission on Ocean Policy, and for other purposes, with an amendment; referred to the Committees on Transportation and Infrastructure and Science for a period ending not later than September 15, 1998, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(q) and (n), rule X, respectively (Rept. 105–718), Part 1). Ordered to be printed.

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. DAVIS of Virginia:

H.R. 4566. A bill to make technical and clarifying amendments to the National Capital Revitalization and Self-Government Improvement Act of 1997; to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMAS (for himself and Mr. McGOVERN):

H.R. 4567. A bill to amend title XVIII of the Social Security Act to make revisions in the per beneficiary and per visit payment limits on payment for health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Virginia:

H.R. 4568. A bill to make technical and clarifying amendments to the provisions of the National Capital Revitalization and Self-Government Improvement Act of 1997 relating to the reform of certain District of Columbia retirement programs; to the Committee on Government Reform and Oversight, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALLAHAN:

H.R. 4569. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1999, and for other purposes.

By Mr. HANSEN:

H.R. 4570. A bill to provide for certain boundary adjustments and conveyances involving public lands, to establish and improve the management of certain heritage areas, historic areas, National Parks, wild and scenic rivers, and national trails, to protect communities by reducing hazardous fuels levels on public lands, and for other purposes; to the Committee on Resources.

By Mr. GOODLATTE:

H.R. 4571. A bill to amend the Food Stamp Act of 1977 to eliminate additional funds authorized to be appropriated for fiscal years 1999 and 2002 for employment and training programs, and to require the Secretary of Agriculture to purchase additional commodities for distribution under section 214 of the Emergency Food Assistance Act of 1983 for fiscal years 1999 through 2002; to the Committee on Agriculture.

By Mr. GEKAS (for himself, Mr. McCOLLUM, and Mr. MICA):

H.R. 4572. A bill to clarify that governmental pension plans of the possessions of the United States shall be treated in the same manner as State pension plans for purposes of the limitation on the State income taxation of pension income; to the Committee on the Judiciary.

By Mr. PAYNE:

H.R. 4573. A bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work; to the Committee on Resources.

By Mr. SNOWBARGER (for himself, Mr. MORAN of Kansas, Mr. RYUN, and Mr. TIAHRT):

H.R. 4574. A bill to amend the Railroad Retirement Act of 1974 to assure that merchant marine service during World War II that the Secretary of Veterans' Affairs deems to be active military duty by reason of a determination by the Secretary of Defense is considered to be creditable service in the computation of retirement benefits to the same degree as other active duty service, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WAMP:

H.R. 4575. A bill to authorize the Secretary of the Interior to acquire interests in real property for addition to the Chickamauga and Chattanooga National Military Park; to the Committee on Resources.

By Ms. WATERS:

H.R. 4576. A bill to amend section 106 of the Child Abuse Prevention and Treatment Act and subpart 1 of part B of title IV of the Social Security Act to require States receiving funds under such provisions to have in effect a State law providing for a criminal penalty on an individual who fails to report having knowledge of another individual's commission of a crime of violence or a sex crime against a person under the age of 18; to the Committee on Education and the Workforce, 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. GUTIERREZ (for himself, Mr. DAVIS of Illinois, Mr. YATES, Mr. FAWELL, Mr. LIPINSKI, Mr. RUSH, Mr. PORTER, Mr. EWING, Mr. JACKSON of Illinois, Mr. SHIMKUS, Mr. HYDE, Mr. BLAGOJEVICH, Mr. HASTERT, Mr. POSHARD, Mr. CRANE, Mr. MANZULLO, and Mr. LAHOOD):

H. Res. 536. 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.

By Ms. WATERS (for herself, Mr. STOKES, and Ms. PELOSI):

H. Res. 539. A resolution expressing the sense of the House of Representatives that a national HIV surveillance system should be expeditiously implemented; to the Committee on Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors where added to public bills and resolutions as follows:

H.R. 297: Mr. SANDERS.
H.R. 299: Mr. MARTINEZ.
H.R. 453: Mr. SAWYER and Ms. LOFGREN.
H.R. 696: Mr. MALONEY of Connecticut.
H.R. 857: Ms. DANNER.
H.R. 979: Mr. McCOLLUM.
H.R. 1223: Mr. GILMAN.
H.R. 1232: Mr. SMITH of New Jersey and Mr. FARR of California.
H.R. 1401: Mr. POMBO, Mr. ALLEN, and Mr. MARKEY.
H.R. 1450: Mr. LAMPSON.
H.R. 1483: Mr. MANTON and Mr. FORBES.
H.R. 1516: Mr. BONIOR.
H.R. 1542: Mr. LEWIS of Kentucky.
H.R. 1991: Ms. DUNN of Washington.
H.R. 2174: Mr. MARKEY, Mr. McGOVERN, Ms. McCARTHY of Missouri, and Mr. BAESLER,

H.R. 2273: Ms. ROYBAL-ALLARD, Mr. BOSWELL, Mr. SPRATT, Mr. ROMERO-BARCELÓ, Mr. FOX of Pennsylvania, Mr. FOLEY, and Mr. MCCOLLUM.

H.R. 2397: Mr. TORRES, Mr. FOSSELLA, Mr. KENNEDY of Rhode Island, Mr. PACKARD, Ms. GRANGER, Mr. MEEKS of New York, Mr. MCHUGH, Mrs. MYRICK, and Mrs. FOWLER.

H.R. 2409: Mr. BENTSEN.

H.R. 2524: Mr. MILLER of California.

H.R. 2733: Ms. WATERS, Mr. RODRIGUEZ, Mr. LUCAS of Oklahoma, Mr. DIAZ-BALART, Mr. BOYD, Mr. SHERMAN, Mr. HOYER, Mr. HAYWORTH, Mr. MENENDEZ, Mr. CAMPBELL, and Mr. GALLEGLY.

H.R. 2821: Mr. DIXON and Mrs. MYRICK.

H.R. 2868: Mr. OLVER.

H.R. 2882: Mr. HUTCHINSON.

H.R. 3008: Mr. KINGSTON.

H.R. 3125: Mr. BURTON of Indiana.

H.R. 3320: Mr. ROTHMAN, Mr. BORSKI, and Mr. ORTIZ.

H.R. 3514: Mr. MINGE.

H.R. 3876: Mr. BOSWELL.

H.R. 3879: Mr. LOBIONDO, Ms. LOFGREN, and Mr. SAXTON.

H.R. 3880: Mr. MENENDEZ.

H.R. 3898: Mr. SHADEGG.

H.R. 3915: Mr. FRANK of Massachusetts.

H.R. 3949: Mr. HERGER.

H.R. 4019: Mr. HASTINGS of Washington.

H.R. 4031: Mr. KUCINICH.

H.R. 4126: Mr. SANDLIN.

H.R. 4197: Mr. SHADEGG.

H.R. 4203: Mr. WEXLER, Mr. HINCHEY, Mrs. ROUKEMA, Mr. BORSKI, Mr. SHERMAN, Mr. KING of New York, Mr. ACKERMAN, and Mrs. MORELLA.

H.R. 4204: Mr. SESSIONS.

H.R. 4229: Mr. MCHUGH.

H.R. 4236: Ms. DUNN of Washington.

H.R. 4252: Mr. BALDACCI.

H.R. 4300: Mr. SKEEN.

H.R. 4339: Ms. HOOLEY of Oregon.

H.R. 4349: Mr. RAMSTAD and Mrs. NORTHUP.

H.R. 4399: Mr. PAUL.

H.R. 4404: Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. TALENT, and Mr. WALSH.

H.R. 4427: Mr. GIBBONS.

H.R. 4449: Mr. TURNER and Mr. HALL of Ohio.

H.R. 4465: Mr. FORBES, Mr. FROST, and Ms. DANNER.

H.R. 4509: Mr. PICKERING and Mr. GOODE.

H.R. 4522: Mr. FROST and Mr. PAPPAS.

H.R. 4536: Mr. SOUDER, Ms. GRANGER, Mr. ENGLISH of Pennsylvania, Mr. SMITH of New Jersey, Mr. LIPINSKI, Mr. KENNEDY of Rhode Island, and Mr. FORBES.

H. Con. Res. 210: Mr. CANADY of Florida.

H. Con. Res. 290: Mr. CHRISTENSEN, Mr. ADERHOLT, Mr. OXLEY, Mr. LIPINSKI, Mr. MCHUGH, and Mr. SUNUNU.

H. Con. Res. 317: Mr. DEAL of Georgia, Mr. MENENDEZ, Mr. SANDLIN, and Mr. WATT of North Carolina.

H. Res. 304: Mr. COLLINS and Mr. TAYLOR of Mississippi.

H. Res. 313: Ms. FURSE, Ms. STABENOW, and Ms. ROS-LEHTINEN.

H. Res. 520: Mr. COSTELLO.

H. Res. 532: Mr. NEY, Mr. STEARNS, and Mr. EHRLICH.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

75. The SPEAKER presented a petition of the Citizens of the several States, relative to the Partial-Birth Abortion Ban Act; to the Committee on the Judiciary.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names during the week of September 7, 1998, to the following discharge petition:

Petition 4 by Ms. SLAUGHTER on House Resolution 473: Barney Frank, William J. Jefferson, and James P. Moran.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4006

OFFERED BY: MS. HOOLEY OF OREGON

AMENDMENT NO. 2: Page 3, line 9, insert "(A)" after "to" and, in line 15, insert before the semicolon the following: ", or (B) any dispensing or distribution of a controlled substance which is lawful under State law".

H.R. 4300

OFFERED BY: MR. MCCOLLUM

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: 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 "Western Hemisphere Drug Elimination Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and statement of policy.

TITLE I—ENHANCED SOURCE AND TRANSIT COUNTRY COVERAGE

Sec. 101. Expansion of aircraft coverage and operation in source and transit countries.
Sec. 102. Expansion of maritime coverage and operation in source and transit countries.
Sec. 103. Expansion of radar coverage and operation in source and transit countries.

TITLE II—ENHANCED ERADICATION AND INTERDICTION STRATEGY IN SOURCE COUNTRIES

Sec. 201. Additional eradication resources for Colombia.
Sec. 202. Additional eradication resources for Peru.
Sec. 203. Additional eradication resources for Bolivia.
Sec. 204. Additional eradication resources for Mexico.
Sec. 205. Miscellaneous additional eradication resources.
Sec. 206. Bureau of International Narcotics and Law Enforcement Affairs.
Sec. 207. Report on transferring international narcotics assistance activities to a United States law enforcement agency.

TITLE III—ENHANCED ALTERNATIVE CROP DEVELOPMENT SUPPORT IN SOURCE ZONE AND MYCOHERBICIDE RESEARCH AND DEVELOPMENT

Sec. 301. Alternative crop development support.
Sec. 302. Authorization of appropriations for Agricultural Research Service counterdrug research and development activities.
Sec. 303. Master plan for mycoherbicides to control narcotic crops.

TITLE IV—ENHANCED INTERNATIONAL LAW ENFORCEMENT TRAINING

Sec. 401. Enhanced international law enforcement academy training.
Sec. 402. Enhanced United States drug enforcement international training.
Sec. 403. Provision of nonlethal equipment to foreign law enforcement organizations for cooperative illicit narcotics control activities.

TITLE V—ENHANCED DRUG TRANSIT AND SOURCE ZONE LAW ENFORCEMENT OPERATIONS AND EQUIPMENT

Sec. 501. Increased funding for operations and equipment.
Sec. 502. Sense of Congress regarding priority of drug interdiction and counterdrug activities.

TITLE VI—RELATIONSHIP TO OTHER LAWS

Sec. 601. Authorizations of appropriations.

SEC. 2. FINDINGS AND STATEMENT OF POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Teenage drug use in the United States has doubled since 1993.

(2) The drug crisis facing the United States is a top national security threat.

(3) The spread of illicit drugs through United States borders cannot be halted without an effective drug interdiction strategy.

(4) Effective drug interdiction efforts have been shown to limit the availability of illicit narcotics, drive up the street price, support demand reduction efforts, and decrease overall drug trafficking and use.

(5) A prerequisite for reducing youth drug use is increasing the price of drugs. To increase price substantially, at least 60 percent of drugs must be interdicted.

(6) In 1987, the national drug control budget maintained a significant balance between demand and supply reduction efforts, illustrated as follows:

(A) 29 percent of the total drug control budget expenditures for demand reduction programs.

(B) 38 percent of the total drug control budget expenditures for domestic law enforcement.

(C) 33 percent of the total drug control budget expenditures for international drug interdiction efforts.

(7) In the late 1980's and early 1990's, counternarcotic efforts were successful, specifically in protecting the borders of the United States from penetration by illegal narcotics through increased seizures by the United States Coast Guard and other agencies, including a 302 percent increase in pounds of cocaine seized between 1987 and 1991.

(8) Limiting the availability of narcotics to drug traffickers in the United States had a promising effect as illustrated by the decline of illicit drug use between 1988 and 1991, through a—

(A) 13 percent reduction in total drug use;

(B) 35 percent drop in cocaine use; and

(C) 16 percent decrease in marijuana use.

(9) In 1993, drug interdiction efforts in the transit zones were reduced due to an imbalance in the national drug control strategy. This trend has continued through 1995 as shown by the following figures:

(A) 35 percent for demand reduction programs.

(B) 53 percent for domestic law enforcement.

(C) 12 percent for international drug interdiction efforts.

(10) Supply reduction efforts became a lower priority for the Administration and the seizures by the United States Coast Guard and other agencies decreased as shown

by a 68 percent decrease in the pounds of cocaine seized between 1991 and 1996.

(11) Reductions in funding for comprehensive interdiction operations like OPERATION GATEWAY and OPERATION STEELWEB, initiatives that encompassed all areas of interdiction and attempted to disrupt the operating methods of drug smugglers along the entire United States border, have created unprotected United States border areas which smugglers exploit to move their product into the United States.

(12) The result of this new imbalance in the national drug control strategy caused the drug situation in the United States to become a crisis with serious consequences including—

(A) doubling of drug-abuse-related arrests for minors between 1992 and 1996;

(B) 70 percent increase in overall drug use among children aged 12 to 17;

(C) 80 percent increase in drug use for graduating seniors since 1992;

(D) a sharp drop in the price of 1 pure gram of heroin from $1,647 in 1992 to $966 in February 1996; and

(E) a reduction in the street price of 1 gram of cocaine from $123 to $104 between 1993 and 1994.

(13) The percentage change in drug use since 1992, among graduating high school students who used drugs in the past 12 months, has substantially increased—marijuana use is up 80 percent, cocaine use is up 80 percent, and heroin use is up 100 percent.

(b) STATEMENT OF POLICY.—It is the policy of the United States to—

(1) reduce the supply of drugs and drug use through an enhanced drug interdiction effort in the major drug transit countries, as well support a comprehensive supply country eradication and crop substitution program, because a commitment of increased resources in international drug interdiction efforts will create a balanced national drug control strategy among demand reduction, law enforcement, and international drug interdiction efforts; and

(2) support policies and dedicate the resources necessary to reduce the flow of illegal drugs into the United States by not less than 80 percent by December 31, 2001.

TITLE I—ENHANCED SOURCE AND TRANSIT COUNTRY COVERAGE

SEC. 101. EXPANSION OF AIRCRAFT COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) DEPARTMENT OF THE TREASURY.—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of air coverage and operation for drug source and transit countries, as follows:

(1) For procurement of 10 P-3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, the total amount of $430,000,000.

(2) For the procurement and deployment of 10 P-3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of the drug source zone, the total amount of $150,000,000.

(3) For each of fiscal years 2000 and 2001 for operation and maintenance of 10 P-3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, $23,500,000.

(4) For each of fiscal years 1999, 2000, and 2001 for personnel for the 10 P-3B Early Warning aircraft for the United States Customs Service to enhance overhead air coverage of drug source zone countries, $12,500,000.

(5) For each of fiscal years 2000 and 2001 for operation and maintenance of 10 P-3B Slick airplanes for the United States Customs Service to enhance overhead coverage of the drug source zone, $23,500,000.

(6) For each of fiscal years 1999, 2000, and 2001 for personnel for the 10 P-3B Slick airplanes for the United States Customs Service to enhance overhead air coverage of drug source zone countries, $12,500,000.

(7) For construction and furnishing of an additional facility for the P-3B aircraft, 6,000,000.

(8) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Colombia, $6,000,000.

(9) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Bolivia, $2,000,000.

(10) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead air coverage for Peru, $6,000,000.

(11) For each of fiscal years 1999, 2000, and 2001 for operation and maintenance for overhead coverage for the Caribbean and Eastern Pacific regions, $25,000,000.

(12) For purchase and for operation and maintenance of 3 Schweizer RU-38A observation aircraft (to be piloted by pilots under contract with the United States), the total amount of $16,500,000, of which—

(A) $13,500,000 is for procurement; and

(B) $1,000,000 for each such fiscal year is for operation and maintenance.

(b) REPORT.—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Secretary of State and the Director of Central Intelligence, shall submit to the Committee on National Security, the Committee on International Relations, and the Permanent Select Committee on Intelligence of the House of Representatives and to the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate a report examining the options available in the source and transit zones to replace Howard Air Force Base in Panama and specifying the requirements of the United States to establish an airbase or airbases for use in support of counternarcotics operations to optimize operational effectiveness in the source and transit zones. The report shall identify the following:

(1) The specific requirements necessary to support the national drug control policy of the United States.

(2) The estimated construction, operation, and maintenance costs for a replacement counterdrug airbase or airbases in the source and transit zones.

(3) Possible interagency cost sharing arrangements for a replacement airbase or airbases.

(4) Any legal or treaty-related issues regarding the replacement airbase or airbases.

(5) A summary of completed alternative site surveys for the airbase or airbases.

(c) TRANSFER OF AIRCRAFT.—The Secretary of the Navy shall transfer to the United States Customs Service—

(1) ten currently retired and previously identified heavyweight P-3B aircraft for modification into P-3 AEW&C aircraft; and

(2) ten currently retired and previously identified heavyweight P-3B aircraft for modification into P-3 Slick aircraft.

SEC. 102. EXPANSION OF COAST GUARD DRUG INTERDICTION.

(a) OPERATING EXPENSES.—For operating expenses of the Coast Guard associated with expansion of drug interdiction activities around Puerto Rico, the United States Virgin Islands, and other transit zone areas of operation, there are authorized to be appropriated to the Secretary of Transportation $129,000,000 for each of fiscal years 1999, 2000, and 2001. Such amounts shall include (but are not limited to) amounts for the following:

(1) For deployment of intelligent acoustic detection buoys in the Florida Straits and Bahamas.

(2) For a nonlethal technology program to enhance countermeasures against the threat of transportation of drugs by so-called Go-Fast boats.

(b) ACQUISITION, CONSTRUCTION, AND IMPROVEMENT.—

(1) IN GENERAL.—For acquisition, construction, and improvement of facilities and equipment to be used for expansion of Coast Guard drug interdiction activities, there are authorized to be appropriated to the Secretary of Transportation for fiscal year 1999 the following:

(A) For maritime patrol aircraft, $66,000,000.

(B) For acquisition of deployable pursuit boats, $3,500,000.

(C) For the acquisition and construction of 15 United States Coast Guard 87-foot Coastal Patrol Boats, $71,000,000.

(D) For the reactivation of 3 United States Coast Guard HU-25 Falcon jets, $7,500,000.

(E) For acquisition of installed or deployable electronic sensors and communications systems for Coast Guard Cutters, $16,300,000.

(F) For acquisition and construction of facilities and equipment to support regional and international law enforcement training and support in Puerto Rico, the United States Virgin Islands, and Caribbean Basin, $4,000,000.

(G) For acquisition or conversion of maritime patrol aircraft, $17,000,000.

(H) For acquisition or conversion of 2 vessels to be used as Coast Guard Medium or High Endurance Cutters, $36,000,000.

(I) For acquisition or conversion of 2 vessels to be used as Coast Guard Cutters as support, command, and control platforms for drug interdiction operations, $20,000,000.

(J) For construction of 6 United States Code Coast Guard medium endurance cutters, $289,000,000.

(2) CONTINUED AVAILABILITY.—Amounts appropriated under this subsection may remain available until expended.

(c) REQUIREMENT TO ACCEPT PATROL CRAFT FROM DEPARTMENT OF DEFENSE.—The Secretary of Transportation shall accept, for use by the Coast Guard for expanded drug interdiction activities, 7 PC-170 patrol craft offered by the Department of Defense.

SEC. 103. EXPANSION OF RADAR COVERAGE AND OPERATION IN SOURCE AND TRANSIT COUNTRIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are authorized to be appropriated for the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the enhancement of radar coverage in drug source and transit countries, as follows:

(1) For restoration of radar in the Bahamas, the total amount of $13,500,000, of which—

(A) the total amount of $4,500,000 is for procurement; and

(B) $3,000,000 for each such fiscal year is for operation and maintenance.

(2) For each such fiscal year for operation and maintenance, for establishment of ground-based radar coverage at Guantanamo Bay Naval Base, Cuba, $300,000.

(b) REPORT.—Not later than January 31, 1999, the Secretary of Defense, in conjunction with the Director of Central Intelligence, shall submit to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a report examining the options available to the United States for improving Relocatable Over the Horizon (ROTHR) capability to provide enhanced radar coverage of narcotics source zone countries in South America and transit zones in the Eastern Pacific. The report shall include—

(1) a discussion of the need and costs associated with the establishment of a proposed fourth ROTHR site located in the source or transit zones; and

(2) an assessment of the intelligence specific issues raised if such a ROTHR facility were to be established in conjunction with a foreign government.

TITLE II—ENHANCED ERADICATION AND INTERDICTION STRATEGY IN SOURCE COUNTRIES

SEC. 201. ADDITIONAL ERADICATION RESOURCES FOR COLOMBIA.

(a) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the enhancement of drug-related eradication efforts in Colombia, as follows:

(1) For each such fiscal year for sustaining support of the helicopters and fixed wing fleet of the national police of Colombia, $6,000,000.

(2) For the purchase of DC-3 transport aircraft for the national police of Colombia, the total amount of $2,000,000.

(3) For acquisition of concertina wire and tunneling detection systems at the La Picota prison of the national police of Colombia, the total amount of $1,250,000.

(4) For the purchase of minigun systems for the national police of Colombia, the total amount of $6,000,000.

(5) For the purchase of 6 UH-60L Black Hawk utility helicopters for the national police of Colombia, the total amount of $60,000,000 for procurement and an additional amount of $12,000,000 for each such fiscal year for operation, maintenance, and training.

(6) For procurement, for upgrade of 50 UH-1H helicopters to the Huey II configuration equipped with miniguns for the use of the national police of Colombia, the total amount of $70,000,000.

(7) For the repair and rebuilding of the antinarcotics base at Miraflores, $2,000,000.

(8) For providing sufficient and adequate base and force security for any rebuilt facility at Miraflores, and the other forward operating antinarcotics bases of the Colombian National Police antinarcotics unit, $6,000,000.

(b) COUNTERNARCOTICS ASSISTANCE.—United States counternarcotics assistance may not be provided for the Government of Colombia under this Act or under any other provision of law on or after the date of the enactment of this Act if the Government of Colombia negotiates or permits the establishment of any demilitarized zone in which the eradication and interdiction of drug production by the security forces of Colombia, including the Colombian National Police antinarcotics unit, is prohibited.

SEC. 202. ADDITIONAL ERADICATION RESOURCES FOR PERU.

(a) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for the establishment of a third drug interdiction site at Puerto Maldonado, Peru, to support air bridge and riverine missions for enhancement of drug-related eradication efforts in Peru, the total amount of $3,000,000, and an additional amount of $1,000,000 for each of fiscal years 2000 and 2001 for operation and maintenance.

(b) DEPARTMENT OF DEFENSE STUDY.—The Secretary of Defense shall conduct a study of Peruvian counternarcotics air interdiction requirements and, not later than 90 days after the date of enactment of this Act, submit to Congress a report on the results of the study. The study shall include a review of the Peruvian Air Force's current and future requirements for counternarcotics air interdiction to complement the Peruvian Air Force's A-37 capability.

SEC. 203. ADDITIONAL ERADICATION RESOURCES FOR BOLIVIA.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhancement of drug-related eradication efforts in Bolivia, as follows:

(1) For each such fiscal year for support of air operations of the Red Devils of Bolivia, $1,000,000.

(2) For each such fiscal year for support of riverine operations of the Blue Devils of Bolivia, $1,000,000.

(3) For each such fiscal year for support of coca eradication programs, $1,000,000.

(4) For the procurement of 2 mobile x-ray machines with maintenance support for placement along the Chapare highway, the total amount of $5,000,000 and an additional amount of $1,000,000 for each such fiscal year for operation and maintenance.

SEC. 204. ADDITIONAL ERADICATION RESOURCES FOR MEXICO.

(a) IN GENERAL.—

(1) AUTHORITY TO PURCHASE HELICOPTERS.—Contingent on the agreement of the Government of Mexico to approve full diplomatic immunity for Drug Enforcement Administration personnel serving in Mexico with privileges granted to United States Government officials to carry weapons necessary for the performance of their duties, the Secretary of State, subject to the availability of appropriations, shall purchase 6 Bell 212 high altitude helicopters designated for opium eradication programs in the Mexican states of Guerrero, Jalisco, and Sinaloa, for enhancement of drug-related eradication efforts in Mexico.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of State during the period beginning on October 1, 1998, and on ending September 30, 2001, $18,000,000 to carry out paragraph (1).

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United States law enforcement personnel serving in Mexico should be accredited the same status under the Vienna Convention on Diplomatic Immunity as other diplomatic personnel serving at United States posts in Mexico; and

(2) all Mexican narcotics law enforcement personnel serving in the United States should be accorded the same diplomatic status as Drug Enforcement Administration personnel serving in Mexico.

SEC. 205. MISCELLANEOUS ADDITIONAL ERADICATION RESOURCES.

Funds are authorized to be appropriated for the Department of State for fiscal years 1999, 2000, and 2001 for enhanced precursor chemical control projects, in the total amount of $500,000.

SEC. 206. BUREAU OF INTERNATIONAL NARCOTICS AND LAW ENFORCEMENT AFFAIRS.

(a) QUALIFICATIONS FOR SERVICE.—Notwithstanding any other provision of law, any individual serving in the position of assistant secretary in any department or agency of the Federal Government who has primary responsibility for international narcotics control and law enforcement, and the principal deputy of any such assistant secretary, shall have substantial professional qualifications in the fields of—

(1) management; and

(2) Federal law enforcement, or intelligence.

(b) FOREIGN MILITARY SALES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, upon the receipt by the Department of State of a formal letter of request for any foreign military sales counternarcotics-related assistance from the head of any police, military, or other appropriate security agency official, the implementation and processing of the counternarcotics foreign military sales request shall be the sole responsibility of the Department of Defense, which is the traditional lead agency in providing military equipment and supplies abroad.

(2) ROLE OF STATE DEPARTMENT.—The Department of State shall continue to have a consultative role with the Department of Defense in the processing of the request described in paragraph (1), after receipt of the letter of request, for all counternarcotics-related foreign military sales assistance.

SEC. 207. REPORT ON TRANSFERRING INTERNATIONAL NARCOTICS ASSISTANCE ACTIVITIES TO A UNITED STATES LAW ENFORCEMENT AGENCY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the responsiveness and effectiveness of international narcotics assistance activities under the Department of State have been severely hampered due, in part, to the lack of law enforcement expertise by responsible personnel in the Department of State.

(b) REPORT REQUIREMENT.—

(1) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Director of National Drug Control Policy shall prepare and submit to the appropriate committees a report, which shall evaluate the responsiveness and effectiveness of international narcotics assistance activities under the Department of State during the preceding 4 fiscal years.

(2) RECOMMENDATION AND EXPLANATION.—The study submitted under paragraph (1) shall include the recommendation of the Director and detailed explanatory statement regarding whether the overseas activities of the Bureau of International Narcotics and Law Enforcement Affairs of the Department of State should be transferred to the Department of Justice.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Office on National Drug Control Policy $100,000 to carry out the study under this section.

(c) DEFINITIONS.—In this section, the term "appropriate committees" means—

(1) the Committees on Appropriations, Armed Services, Foreign Relations, and the Judiciary of the Senate;

(2) the Committees on Appropriations, International Relations, National Security, and the Judiciary of the House of Representatives; and

(3) the Select Committees on Intelligence of the House of Representatives and the Senate.

TITLE III—ENHANCED ALTERNATIVE CROP DEVELOPMENT SUPPORT IN SOURCE ZONE

SEC. 301. ALTERNATIVE CROP DEVELOPMENT SUPPORT.

Funds are authorized to be appropriated for the United States Agency for International Development for fiscal years 1999, 2000, and 2001 for alternative development programs, as follows:

(1) For startup costs of programs in the Guaviare, Putumayo, and Caqueta regions in Colombia, the total amount of $5,000,000 and an additional amount of $5,000,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(2) For each of fiscal years 1999, 2000, and 2001 for enhanced programs in the Ucayali, Apurimac, and Huallaga Valley regions in Peru, $50,000,000.

(3) For each of fiscal years 1999, 2000, and 2001 for enhanced programs in the Chapare and Yungas regions in Bolivia, $5,000,000.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS FOR AGRICULTURAL RESEARCH SERVICE COUNTERDRUG RESEARCH AND DEVELOPMENT ACTIVITIES.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary of Agriculture for each of fiscal years 1999, 2000, and 2001, $23,000,000 to support the counternarcotics research efforts of the Agricultural Research Service of the Department of Agriculture. Of that amount, funds are authorized as follows:

(1) $5,000,000 shall be used for crop eradication technologies.

(2) $2,000,000 shall be used for narcotics plant identification, chemistry, and biotechnology.

(3) $1,000,000 shall be used for worldwide crop identification, detection tagging, and production estimation technology.

(4) $5,000,000 shall be used for improving the disease resistance, yield, and economic competitiveness of commercial crops that can be promoted as alternatives to the production of narcotics plants.

(5) $10,000,000 to contract with entities meeting the criteria described in subsection (b) for the product development, environmental testing, registration, production, aerial distribution system development, product effectiveness monitoring, and modification of multiple mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) CRITERIA FOR ELIGIBLE ENTITIES.—An entity under this subsection is an entity which possesses—

(1) experience in diseases of narcotic crops;

(2) intellectual property involving seed-borne dispersal formulations;

(3) the availability of state-of-the-art containment or quarantine facilities;

(4) country-specific mycoherbicide formulations;

(5) specialized fungicide resistant formulations; or

(6) special security arrangements.

SEC. 303. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) IN GENERAL.—The Secretary of Agriculture shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally .

(b) COORDINATION.—The Secretary shall develop the plan in coordination with—

(1) the Office of National Drug Control Policy;

(2) the Drug Enforcement Administration of the Department of Justice;

(3) the Department of Defense;

(4) the Environmental Protection Agency;

(5) the Bureau for International Narcotics and Law Enforcement Activities of the Department of State;

(6) the United States Information Agency; and

(7) other appropriate agencies.

(c) REPORT.—Not later than March 1, 1999, the Secretary of Agriculture shall submit to Congress a report describing the activities undertaken to carry out this section.

TITLE IV—ENHANCED INTERNATIONAL LAW ENFORCEMENT TRAINING

SEC. 401. ENHANCED INTERNATIONAL LAW ENFORCEMENT ACADEMY TRAINING.

(a) ENHANCED INTERNATIONAL LAW ENFORCEMENT ACADEMY TRAINING.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for the establishment and operation of international law enforcement academies to carry out law enforcement training activities, as follows:

(1) For the establishment and operation of an academy, which shall serve Latin America and the Caribbean, the total amount of $3,000,000 and an additional amount of $1,200,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(2) For the establishment and operation of an academy in Bangkok, Thailand, which shall serve Asia, the total amount of $2,000,000 and an additional amount of $1,200,000 for each of fiscal years 2000 and 2001 for operation and maintenance costs.

(3) For each such fiscal year for the establishment and operation of an academy in South Africa, which shall serve Africa, $1,200,000.

(b) MARITIME LAW ENFORCEMENT TRAINING CENTER.—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for fiscal years 1999, 2000, and 2001 for the joint establishment, operation, and maintenance in San Juan, Puerto Rico, of a center for training law enforcement personnel of countries located in the Latin American and Caribbean regions in matters relating to maritime law enforcement, including customs-related ports management matters, as follows:

(1) For each such fiscal year for funding by the Department of Transportation, $1,500,000.

(2) For each such fiscal year for funding by the Department of the Treasury, $1,500,000.

(c) UNITED STATES COAST GUARD INTERNATIONAL MARITIME TRAINING VESSEL.—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for the establishment, operation, and maintenance of maritime training vessels, as follows:

(1) For a vessel for international maritime training, which shall visit participating Latin American and Caribbean nations on a rotating schedule in order to provide law enforcement training and to perform maintenance on participating national assets, the total amount of $7,500,000.

(2) For each such fiscal year for support of the United States Coast Guard Balsam Class Buoy Tender training vessel, $2,500,000.

SEC. 402. ENHANCED UNITED STATES DRUG ENFORCEMENT INTERNATIONAL TRAINING.

(a) MEXICO.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for substantial exchanges for Mexican judges, prosecutors, and police, in the total amount of $2,000,000 for each such fiscal year.

(b) BRAZIL.—Funds are authorized to be appropriated for the Department of Justice for fiscal years 1999, 2000, and 2001 for enhanced support for the Brazilian Federal Police Training Center, in the total amount of $1,000,000 for each such fiscal year.

(c) PANAMA.—

(1) IN GENERAL.—Funds are authorized to be appropriated for the Department of Transportation for fiscal years 1999, 2000, and 2001 for operation and maintenance, for locating and operating Coast Guard assets so as to strengthen the capability of the Coast Guard of Panama to patrol the Atlantic and Pacific coasts of Panama for drug enforcement and interdiction activities, in the total amount of $1,000,000 for each such fiscal year.

(2) ELIGIBILITY TO RECEIVE TRAINING.—Notwithstanding any other provision of law, members of the national police of Panama shall be eligible to receive training through the International Military Education Training program.

(d) VENEZUELA.—There are authorized to be appropriated for the Department of Justice for each of fiscal years 1999, 2000, and 2001, $1,000,000 for operation and maintenance, for support for the Venezuelan Judicial Technical Police Counterdrug Intelligence Center.

(e) ECUADOR.—Funds are authorized to be appropriated for the Department of Transportation and the Department of the Treasury for each of fiscal years 1999, 2000, and 2001 for the buildup of local coast guard and port control in Guayaquil and Esmeraldas, Ecuador, as follows:

(1) For each such fiscal year for the Department of Transportation, $500,000.

(2) For each such fiscal year for the Department of the Treasury, $500,000.

(f) HAITI AND THE DOMINICAN REPUBLIC.—Funds are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, $500,000 for the buildup of local coast guard and port control in Haiti and the Dominican Republic.

(g) CENTRAL AMERICA.—There are authorized to be appropriated for the Department of the Treasury for each of fiscal years 1999, 2000, and 2001, $12,000,000 for the buildup of local coast guard and port control in Belize, Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

SEC. 403. PROVISION OF NONLETHAL EQUIPMENT TO FOREIGN LAW ENFORCEMENT ORGANIZATIONS FOR COOPERATIVE ILLICIT NARCOTICS CONTROL ACTIVITIES.

(a) IN GENERAL.—The Administrator of the Drug Enforcement Administration, in consultation with the Secretary of State, may transfer or lease each year nonlethal equipment, of which each piece of equipment may be valued at not more than $100,000, to foreign law enforcement organizations for the purpose of establishing and carrying out cooperative illicit narcotics control activities.

(b) ADDITIONAL REQUIREMENT.—The Administrator shall provide for the maintenance and repair of any equipment transferred or leased under subsection (a).

TITLE V—ENHANCED DRUG TRANSIT AND SOURCE ZONE LAW ENFORCEMENT OPERATIONS AND EQUIPMENT

SEC. 501. INCREASED FUNDING FOR OPERATIONS AND EQUIPMENT; REPORT.

(a) DRUG ENFORCEMENT ADMINISTRATION.—Funds are authorized to be appropriated for the Drug Enforcement Administration for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries, as follows:

(1) For support of the Merlin program, the total amount of $8,272,000.

(2) For support of the intercept program, the total amount of $4,500,000.

(3) For support of the Narcotics Enforcement Data Retrieval System, the total amount of $2,400,000.

(4) For support of the Caribbean Initiative, the total amount of $3,515,000.

(5) For the hire of special agents, administrative and investigative support personnel, and intelligence analysts for overseas assignments in foreign posts, the total amount of $40,213,000.

(b) DEPARTMENT OF STATE.—Funds are authorized to be appropriated for the Department of State for fiscal year 1999, 2000, and 2001 for the deployment of commercial unclassified intelligence and imaging data and a Passive Coherent Location System for counternarcotics and interdiction purposes in the Western Hemisphere, the total amount of $20,000,000.

(c) DEPARTMENT OF THE TREASURY.—Funds are authorized to be appropriated for the United States Customs Service for fiscal years 1999, 2000, and 2001 for enhancement of counternarcotic operations in drug transit and source countries, as follows:

(1) For refurbishment of 30 interceptor and Blue Water Platform vessels in the Caribbean maritime fleet, the total amount of $3,500,000.

(2) For purchase of 9 new interceptor vessels in the Caribbean maritime fleet, the total amount of $2,000,000.

(3) For the hire and training of 25 special agents for maritime operations in the Caribbean, the total amount of $2,500,000.

(4) For purchase of 60 automotive vehicles for ground use in South Florida, $1,500,000.

(5) For each such fiscal year for operation and maintenance support for 10 United States Customs Service Citations Aircraft to be dedicated for the source and transit zone, the total amount of $10,000,000.

(6) For purchase of 5 CTX-5000 x-ray machines to enhance detection capabilities with respect to narcotics, explosives, and currency, the total amount of $7,000,000.

(d) DEPARTMENT OF DEFENSE REPORT.—Not later than January 31, 1999, the Secretary of Defense, in consultation with the Director of the Office of National Drug Control Policy, shall submit to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate a report examining and proposing recommendations regarding any organizational changes to optimize counterdrug activities, including alternative cost-sharing arrangements regarding the following facilities:

(1) The Joint Inter-Agency Task Force, East, Key West, Florida.

(2) The Joint Inter-Agency Task Force, West, Alameda, California.

(3) The Joint Inter-Agency Task Force, South, Panama City, Panama.

(4) The Joint Task Force 6, El Paso, Texas.

SEC. 502. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES.

It is the sense of Congress that the Secretary of Defense should revise the Global Military Force Policy of the Department of Defense in order—

(1) to treat the international drug interdiction and counter-drug activities of the Department as a military operation other than war, thereby elevating the priority given such activities under the Policy to the next priority below the priority given to war under the Policy and to the same priority as is given to peacekeeping operations under the Policy; and

(2) to allocate the assets of the Department to drug interdiction and counter-drug activities in accordance with the priority given those activities.

TITLE VI—RELATIONSHIP TO OTHER LAWS

SEC. 601. AUTHORIZATIONS OF APPROPRIATIONS.

The funds authorized to be appropriated for any department or agency of the Federal Government for fiscal years 1999, 2000, or 2001 by this Act are in addition to funds authorized to be appropriated for that department or agency for fiscal year 1999, 2000, or 2001 by any other provision of law.

H.R. 4300

OFFERED BY: MR. HASTERT

AMENDMENT NO. 2: Strike section 303 and insert the following:

SEC. 303. MASTER PLAN FOR MYCOHERBICIDES TO CONTROL NARCOTIC CROPS.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy shall develop a 10-year master plan for the use of mycoherbicides to control narcotic crops (including coca, poppy, and cannabis) in the United States and internationally.

(b) COORDINATION.—The Director shall develop the plan in coordination with—

(1) the Department of Agriculture;

(2) the Drug Enforcement Administration of the Department of Justice;

(3) the Department of Defense;

(4) the Environmental Protection Agency;

(5) the Bureau for International Narcotics and Law Enforcement Activities of the Department of State;

(6) the United States Information Agency; and

(7) other appropriate agencies.

(c) REPORT.—Not later than March 1, 1999, the Director of the Office of National Drug Control Policy shall submit to Congress a report describing the activities undertaken to carry out this section.

H.R. 4300

OFFERED BY: MR. MARKEY

AMENDMENT NO. 3: In section 501(c)(6), strike "5 CTX-5000 x-ray machines to enhance" and insert "advanced transmission x-ray machines determined by the United States Customs Service to provide the greatest overall advantage in terms of cost, capabilities, safety to inspection personnel, efficiency, and proven operational reliability in airport environments, for the purpose of enhancing".

H.R. 4300

OFFERED BY: MR. MCCOLLUM

AMENDMENT NO. 4: Page 5, line 25, insert the following:

(14) The Department of Defense has been called upon to support counter-drug efforts of Federal law enforcement agencies that are carried out in source countries and through transit zone interdiction, but in recent years Department of Defense assets critical to those counter-drug activities have been consistently diverted to missions that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff consider a higher priority;

(15) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff, through the Department of Defense policy referred to as the Global Military Force Policy, has established the priorities for the allocation of military assets in the following order: (1) war, (2) military operations other than war that might involve contact with hostile forces (such as peacekeeping operations and noncombatant evacuations), (3) exercises and training, and (4) operational tasking other than those involving hostilities (including counter-drug activities and humanitarian assistance);

(16) Use of Department of Defense assets is critical to the success of efforts to stem the flow of illegal drugs from source countries and through transit zones to the United States;

(17) The placement of counter-drug activities in the fourth and last priority of the Global Military Force Policy list of priorities for the allocation of military assets has resulted in a serious deficiency in assets vital to the success of source country and transit zone efforts to stop the flow of illegal drugs into the United States;

(18) At present the United States faces few, if any, threats from abroad greater than the threat posed to the Nation's youth by illegal and dangerous drugs;

(19) The conduct of counter-drug activities has the potential for contact with hostile forces;

(20) The Department of Defense counter-drug activities mission should be near the top, not among the last, of the priorities for the allocation of Department of Defense assets after the first priority for those assets for the war-fighting mission of the Department of Defense.

H.R. 4300

OFFERED BY: MR. MCCOLLUM

AMENDMENT NO. 5: Strike section 502 and insert the following:

SEC. 502. SENSE OF CONGRESS REGARDING PRIORITY OF DRUG INTERDICTION AND COUNTERDRUG ACTIVITIES OF THE DEPARTMENT OF DEFENSE.

It is the sense of Congress that the Secretary of Defense should revise the priorities for the allocation of Department of Defense assets under the Department of Defense policy referred to as the Global Military Force Policy so that the priority established for the counter-drug activities mission of the Department of Defense is equal to or higher than the priority (which is currently the second highest priority) for the mission of military operations other than war that might involve contact with hostile forces (such as peacekeeping operations and noncombatant evacuations).

H.R. 4300

OFFERED BY: MR. SHAW

AMENDMENT NO. 6: At the end of the bill add the following new title:

TITLE VII—CRIMINAL BACKGROUND CHECKS ON PORT EMPLOYEES

SEC. 701. BACKGROUND CHECKS.

Upon the request of any State, county, port authority, or other local jurisdiction of a State, the Attorney General shall grant to such State, county, port authority, or other local jurisdiction access to information collected by the Attorney General pursuant to section 534 of title 28, United States Code, for the purpose of allowing such State, county, port authority, or other local jurisdiction to conduct criminal background checks on employees, or applicants for employment, at any port under the jurisdiction of such State, county, port authority, or other local jurisdiction.

SEC. 702. DEFINITION.

As used in this title, the term "port" means any place at which vessels may resort to load or unload cargo.

H.R. 4300

OFFERED BY: MS. WATERS

AMENDMENT NO. 7: Strike section 201.

H.R. 4300

OFFERED BY: MS. WATERS

AMENDMENT NO. 8: Strike section 204(a).

In section 204(b), strike "(b) SENSE OF CONGRESS.—".

H.R. 4550

OFFERED BY: MR. LATHAM

AMENDMENT NO. 1: Page 49, after line 19, insert the following:

TITLE IV—DRUG DEALER LIABILITY

SEC. 401. SHORT TITLE.

This Act may be cited as the "Drug Dealer Liability Act of 1998".

SEC. 402. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

(a) IN GENERAL.—Part E of the Controlled Substances Act is amended by adding at the end the following:

"SEC. 521. FEDERAL CAUSE OF ACTION FOR DRUG DEALER LIABILITY.

"(a) IN GENERAL.—Except as provided in subsection (b), any person who manufactures or distributes a controlled substance in violation of this title or title III shall be liable in a civil action to any party harmed, directly or indirectly, by the use of that controlled substance.

"(b) EXCEPTION.—An individual user of a controlled substance may not bring an or maintain an action under this section unless all of the following conditions are met:

"(1) The individual personally discloses to narcotics enforcement authorities all of the information known to the individual regarding all that individual's sources of illegal controlled substances.

"(2) The individual has not used an illegal controlled substance within the 90 days before filing the action.

"(3) The individual continues to remain free of the use of an illegal controlled substance throughout the pendency of the action.".

(b) CLERICAL AMENDMENT.—The table of sections for the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by inserting after the time relating to section 520 the following new item:

"Sec. 521. Federal cause of action for drug dealer liability.".

H.R. 4550

OFFERED BY: MR. RAMSTAD

AMENDMENT NO. 2: At the end of title I, insert the following new subtitle (and conform the table of contents accordingly):

Subtitle H—Addiction Reduction Through Treatment

SEC. 181. SHORT TITLE OF SUBTITLE.

This subtitle may be cited as the "Addiction Reduction Act of 1998".

SEC. 182. FINDINGS.

Congress finds the following:

(1) Substance abuse, if left untreated, is a medical emergency.

(2) Parity should apply to benefits for treatment sought voluntarily, including treatment for substance abuse.

(3) Nothing in this subtitle should be construed as prohibiting application of the concept of parity to substance abuse treatment provided by faith-based treatment providers.

SEC. 183. PARITY IN SUBSTANCE ABUSE TREATMENT BENEFITS.

(a) GROUP HEALTH PLANS UNDER THE PUBLIC HEALTH SERVICE ACT.—(1) Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2706. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE TREATMENT BENEFITS.

"(a) IN GENERAL.—In the case of a group health plan (or health insurance coverage offered in connection with such a plan) that provides both medical and surgical benefits and substance abuse treatment benefits, the plan or coverage shall not impose treatment limitations or financial requirements on the substance abuse treatment benefits unless similar limitations or requirements are imposed for medical and surgical benefits.

"(b) CONSTRUCTION.—Nothing in this section shall be construed—

"(1) as requiring a group health plan (or health insurance coverage offered in connection with such a plan) to provide any substance abuse treatment benefits; or

"(2) to prevent a group health plan or a health insurance issuer offering group health insurance coverage from negotiating the level and type of reimbursement with a provider for care provided in accordance with this section.

"(c) EXEMPTIONS.—

"(1) SMALL EMPLOYER EXEMPTION.—

"(A) IN GENERAL.—This section shall not apply to any group health plan (and group health insurance coverage offered in connection with a group health plan) for any plan year of a small employer.

"(B) SMALL EMPLOYER.—For purposes of subparagraph (A), the term 'small employer' means, in connection with a group health plan with respect to a calendar year and a plan year, an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year and who employs at least 2 employees on the first day of the plan year.

"(C) APPLICATION OF CERTAIN RULES IN DETERMINATION OF EMPLOYER SIZE.—For purposes of this paragraph—

"(i) APPLICATION OF AGGREGATION RULE FOR EMPLOYERS.—Rules similar to the rules under subsections (b), (c), (m), and (o) of section 414 of the Internal Revenue Code of 1986 shall apply for purposes of treating persons as a single employer.

"(ii) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the preceding calendar year, the determination of whether such employer is a small employer shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

"(iii) PREDECESSORS.—Any reference in this paragraph to an employer shall include a reference to any predecessor of such employer.

"(2) INCREASED COST EXEMPTION.—This section shall not apply with respect to a group health plan (or health insurance coverage offered in connection with a group health plan) if the application of this section to such plan (or to such coverage) results in an increase in the cost under the plan (or for such coverage) of at least 1 percent.

"(d) SEPARATE APPLICATION TO EACH OPTION OFFERED.—In the case of a group health plan that offers a participant or beneficiary two or more benefit package options under the plan, the requirements of this section shall be applied separately with respect to each such option.

"(e) DEFINITIONS.—For purposes of this section—

"(1) TREATMENT LIMITATION.—The term 'treatment limitation' means, with respect to benefits under a group health plan or health insurance coverage, any day or visit limits imposed on coverage of benefits under the plan or coverage during a period of time.

"(2) FINANCIAL REQUIREMENT.—The term 'financial requirement' means, with respect to benefits under a group health plan or health insurance coverage, any deductible, coinsurance, or cost-sharing or an annual or lifetime dollar limit imposed with respect to the benefits under the plan or coverage.

"(3) MEDICAL OR SURGICAL BENEFITS.—The term 'medical or surgical benefits' means benefits with respect to medical or surgical services, as defined under the terms of the plan or coverage (as the case may be), but does not include substance abuse treatment benefits.

"(4) SUBSTANCE ABUSE TREATMENT BENEFITS.—The term 'substance abuse treatment benefits' means benefits with respect to substance abuse treatment services but only insofar as such treatment services are abstinence-based.

"(5) SUBSTANCE ABUSE TREATMENT SERVICES.—The term 'substance abuse services' means any of the following items and services provided for the treatment of substance abuse:

"(A) Inpatient treatment, including detoxification.

"(B) Non-hospital residential treatment.

"(C) Outpatient treatment, including screening and assessment, medication management, individual, group, and family counseling, and relapse prevention.

"(D) Prevention services, including health education and individual and group counseling to encourage the reduction of risk factors for substance abuse.

"(6) SUBSTANCE ABUSE.—The term 'substance abuse' includes chemical dependency.

"(f) NOTICE.A group health plan under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(g) SUNSET.—This section shall not apply to benefits for services furnished on or after September 30, 2002.".

(2) Section 2723(c) of such Act (42 U.S.C. 300gg–23(c)), as amended by section 604(b)(2) of Public Law 104–204, is amended by striking "section 2704" and inserting "sections 2704 and 2706".

(b) INDIVIDUAL HEALTH INSURANCE.—(1) Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2751 the following new section:

"SEC. 2752. PARITY IN THE APPLICATION OF TREATMENT LIMITATIONS AND FINANCIAL REQUIREMENTS TO SUBSTANCE ABUSE BENEFITS.

"(a) IN GENERAL.—The provisions of section 2706 (other than subsection (e)) shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as it applies to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.

"(b) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 713(f) of the Employee Retirement Income Security Act of 1974 with respect to the requirements referred to in subsection (a) as if such section applied to such issuer and such issuer were a group health plan.".

(2) Section 2762(b)(2) of such Act (42 U.S.C. 300gg–62(b)(2)) is amended by striking "section 2751" and inserting "sections 2751 and 2752".

(c) EFFECTIVE DATES.—(1) Subject to paragraph (3), the amendments made by subsection (a) apply with respect to group health plans for plan years beginning on or after January 1, 2000.

(2) The amendments made by subsection (b) apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after such date.

(3) In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made subsection (a) shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 2000.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by subsection (a) shall not be treated as a termination of such collective bargaining agreement.

H.R. 4569

OFFERED BY: MR. MCGOVERN

AMENDMENT NO. 1: At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

IMF INDUSTRY IMPACT TEAM

SEC. ____. (a) After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary of Commerce shall establish a team composed of employees of the Department of Commerce—

(1) to collect data on import volumes and prices, and industry statistics in—

(A) the steel industry;

(B) the semiconductor industry;

(C) the automobile industry;

(D) the textile and apparel industry; and

(E) the jewelry industry;

(2) to monitor the effect of the Asian and Russian economic crises on these industries;

(3) to collect accounting data from Asian and Russian producers; and

(4) to work to prevent import surges in these industries or to assist United States industries affected by such surges in their efforts to protect themselves under the trade laws of the United States.

(b) The Secretary of Commerce shall provide administrative support, including office space, for the team.

(c) The Secretary of the Treasury and the United States Trade Representative may assign such employees to the team as may be necessary to assist the team in carrying out its functions under subsection (a).

H.R. 4569

OFFERED BY: MR. PITTS

AMENDMENT NO. 2. In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, CHILD SURVIVAL AND DISEASE PROGRAMS FUND", after the first dollar amount, insert the following: "(increased by $100,000,000)".

In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, CHILD SURVIVAL AND DISEASE PROGRAMS FUND", add at the end before the period the following: ": *Provided further*, That of the funds appropriated under this heading, not less than $345,000,000 shall be made available for infant and child health programs".

In title II, in the item relating to "AGENCY FOR INTERNATIONAL DEVELOPMENT, DEVELOPMENT ASSISTANCE, (INCLUDING TRANSFER OF FUNDS)", after the first dollar amount, insert the following: "(decreased by $100,000,000)".

In section 576 (relating to authorization for population planning), after the first dollar amount, insert the following:

"(decreased by $100,000,000). Provided, that the limitation in this section includes all funds for programs and activities designed to control fertility or to reduce or delay childbirths or pregnancies, irrespective of the heading under which such funds are made available".

H.R. 4569

OFFERED BY: MR. SOUDER

AMENDMENT NO. 3. At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SENSE OF THE CONGRESS

SEC. 701. It is the sense of the Congress that—

(1) countries receiving funds from the International Monetary Fund should fully cooperate with the investigations by the Department of Justice and the Congress into violations of campaign finance laws in connection with the 1996 presidential election campaign, in deference to the sacrifice and wishes of United States taxpayers;

(2) such cooperation should include—

(A) complying with requests by investigators for extradition of suspects in criminal cases;

(B) assisting in obtaining compliance with any request made of, or subpoena served on, any financial institution, commercial entity, government entity, or individual by or on behalf of investigators;

(C) coordinating the provision of any witness, document, or physical evidence requested by investigators; and

(D) granting investigators such access to the country as may be necessary to further the investigation; and

(3) the refusal of dozens of witnesses to cooperate with such investigations and their flight to other countries, some of which benefit from International Monetary Fund funds which are derived in part from funds provided by United States taxpayers, continues to hinder the effort to preserve and maintain the integrity of the electoral process of the United States.

H.R. 4569

OFFERED BY: MR. SOUDER

AMENDMENT NO. 4. At the end of the bill, insert after the last section (preceding the general short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

USE OF APPROPRIATED FUNDS FOR THE INTERNATIONAL MONETARY FUND CONDITIONED ON ENACTMENT OF JOINT RESOLUTION APPROVING A CERTIFICATION THAT ALL COUNTRIES ELIGIBLE TO RECEIVE IMF FUNDS ARE COOPERATING FULLY WITH CONGRESSIONAL AND JUSTICE DEPARTMENT INVESTIGATIONS INTO THE FINANCING OF THE 1996 PRESIDENTIAL ELECTION CAMPAIGN AND HAVE DISCLOSED THE IDENTITY OF ALL COMMERCIAL ENTITIES IN THE COUNTRY THAT WOULD BENEFIT FROM THE PROVISION OF THE FUNDS

SEC. 701. (a) IN GENERAL.—None of the funds made available in this Act may be obligated or made available to the International Monetary Fund unless the certification described in subsection (b) has been made and the Congress has enacted a joint resolution approving the certification.

(b) CERTIFICATION.—

(1) IN GENERAL.—The certification described in this subsection is a certification by the Attorney General and the Secretary of State to the Speaker of the House of Representatives and the President pro tempore of the Senate that each country eligible to receive funds from the International Monetary Fund—

(A) is cooperating fully with any congressional or Justice Department investigation into the financing of the 1996 presidential election campaign, including by—

(i) complying with any request by investigators for extradition of suspects in criminal cases;

(ii) assisting in obtaining compliance with any request made of, or subpoena served on, any financial institution, commercial entity, government entity, or individual, by or on behalf of investigators;

(iii) coordinating the provision of any witness, document, or physical evidence requested by investigators, and

(iv) granting investigators such access to the country as may be necessary to further the investigation; and

(B) has disclosed to the Attorney General the identity of any commercial entity with operations in the country that would benefit from the provision of such funds.

(2) CONSULTATION AND REPORT REQUIRED BEFORE CERTIFICATION.—Not fewer than 30 days before making the certification described in paragraph (1), the Attorney General and the Secretary of State shall, subject to other law—

(A) provide a written report to the Speaker of the House of Representatives and the President pro tempore of the Senate that contains all information of which the Attorney General and the Secretary of State are then aware with regard to the matters described in paragraph (1); and

(B) consult with the Speaker of the House of Representatives and the President pro tempore of the Senate about the intent of the Attorney General and Secretary of State with regard to making the certification.

H.R. 4569

OFFERED BY: MR. STEARNS

AMENDMENT NO. 5. At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SENSE OF CONGRESS CONCERNING THE TRANSITION TO A DEMOCRATIC NONMILITARY GOVERNMENT IN INDONESIA

SEC. 701. It is the sense of the Congress that the United States should support a complete transition that will lead immediately to a democratically-elected, nonmilitary government in Indonesia which includes—

(1) the release of political prisoners;

(2) legalization of political organizing activities;

(3) international monitoring of human rights conditions;

(4) roundtable all-party discussions;

(5) a transitional government of national unity;

(6) democratic elections;

(7) a truth commission to address past political crimes; and

(8) recognition that past injustices require redress.

H.R. 4569

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 6. At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON PROCUREMENT OUTSIDE THE UNITED STATES

SEC. 701. Funds appropriated or otherwise made available by this Act may be used for procurement outside the United States or less developed countries only if—

(1) such funds are used for the procurement of commodities or services, or defense articles or defense services, produced in the country in which the assistance is to be provided, except that this paragraph only applies if procurement in that country would cost less than procurement in the United States or less developed countries;

(2) the provision of such assistance requires commodities or services, or defense articles or defense services, of a type that are not produced in, and available for purchase from, the United States, less developed countries, or the country in which the assistance is to be provided; or

(3) the President determines on a case-by-case basis that procurement outside the United States or less developed countries would result in the more efficient use of United States foreign assistance resources.

H.R. 4569

OFFERED BY: MR. WOLF

AMENDMENT NO. 7. At the end of the bill, insert after the last section (preceding the short title) the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

INATIONAL COMMISSION ON TERRORISM

SEC. 701. (a) ESTABLISHMENT OF NATIONAL COMMISSION ON TERRORISM.—

(1) ESTABLISHMENT.—There is established a national commission on terrorism to review counter-terrorism policies regarding the prevention and punishment of international acts of terrorism directed at the United States. The commission shall be known as "The National Commission on Terrorism".

(2) COMPOSITION.—The commission shall be composed of 15 members appointed as follows:

(A) Five members shall be appointed by the President from among officers or employees of the executive branch, private citizens of the United States, or both. Not more than 3 members selected by the President shall be members of the same political party.

(B) Five members shall be appointed by the Majority Leader of the Senate, in consultation with the Minority Leader of the Senate, from among members of the Senate, private citizens of the United States, or both. Not more than 3 of the members selected by the Majority Leader shall be members of the same political party and 3 members shall be members of the Senate.

(C) Five members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader of the House of Representatives, from among members of the House of Representatives, private citizens of the United States, or both. Not more than 3 of the members selected by the Speaker shall be members of the same political party and 3 members shall be members of the House of Representatives.

(D) The appointments of the members of the commission should be made no later than 3 months after the date of the enactment of this Act.

(3) QUALIFICATIONS.—The members should have a knowledge and expertise in matters to be studied by the commission.

(4) CHAIRMAN.—The chairman of the commission shall be elected by the members of the commission.

(b) DUTIES.—

(1) IN GENERAL.—The commission shall consider issues relating to international terrorism directed at the United States as follows:

(A) Review the laws, regulations, policies, directives,and practices relating to counterterrorism in the prevention and punishment of international terrorism directed towards the United States.

(B) Assess the extent to which laws, regulations, policies, directives, and practices relating to counterterrorism have been effective in preventing or punishing international terrorism directed towards the United States. At a minimum, the assessment should include a review of the following:

(i) Evidence that terrorist organizations have established an infrastructure in the western hemisphere for the support and conduct of terrorist activities.

(ii) Executive branch efforts to coordinate counterterrorism activities among Federal, State, and local agencies and with other nations to determine the effectiveness of such coordination efforts.

(iii) Executive branch efforts to prevent the use of nuclear, biological, and chemical weapons by terrorists.

(C) Recommend changes to counterterrorism policy in preventing and punishing international terrorism directed toward the United States.

(2) REPORT.—Not later than 6 months after the date on which the Commission first meets, the Commission shall submit to the President and the Congress a final report of the findings and conclusions of the commission, together with any recommendations.

(c) ADMINISTRATIVE MATTERS.—

(1) MEETINGS.—

(A) The commission shall hold its first meeting on a date designated by the Speaker of the House which is not later than 30 days after the date on which all members have been appointed.

(B) After the first meeting, the commission shall meet upon the call of the chairman.

(C) A majority of the members of the commission shall constitute a quorum, but a lesser number may hold meetings.

(2) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the commission may, if authorized by the commission, take any action which the commission is authorized to take under this section.

(3) POWERS.—

(A) The commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the commission considers advisable to carry out its duties.

(B) The commission may secure directly from any agency of the Federal Government such information as the commission considers necessary to carry out its duties. Upon the request of the chairman of the commission, the head of a department or agency shall furnish the requested information expeditiously to the commission.

(C) The commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) PAY AND EXPENSES OF COMMISSION MEMBERS.—

(A) Each member of the commission who is not an employee of the government shall be paid at a rate equal for the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the commission.

(B) Members and personnel for the commission may travel on aircraft, vehicles, or other conveyances of the Armed Forces of the United States when travel is necessary in the performance of a duty of the commission except when the cost of commercial transportation is less expensive.

(C) The members of the commission may 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 commission.

(D)(i) A member of the commission who is an annuitant otherwise covered by section 8344 of 8468 of title 5, United States Code, by reason of membership on the commission shall not be subject to the provisions of such section with respect to membership on the commission.

(ii) A member of the commission who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the commission.

(5) STAFF AND ADMINISTRATIVE SUPPORT.—

(A) The chairman of the commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and up to 3 additional staff members as necessary to enable the commission to perform its duties. The chairman of the commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51, and subchapter III of chapter 53, of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay may not exceed the maximum rate of pay for GS-15 under the General Schedule.

(B) Upon the request of the chairman of the commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the commission to assist in carrying out its duties. The detail of an employee shall be without interruption or loss of civil service status or privilege.

(d) TERMINATION OF COMMISSION.—The commission shall terminate 30 days after the date on which the commission submits a final report.

(e) FUNDING.—There are appropriated $2,000,000 for fiscal year 1999 to carry out the provisions of this section.

EXTENSIONS OF REMARKS

TO AMEND TITLE X, U.S.C. RELATING TO THE COMPENSATION OF RETIRED MILITARY PERSONNEL

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to place the following Senate Resolution from the State of Rhode Island into the RECORD.

SENATE RESOLUTION MEMORIALIZING CONGRESS TO AMEND TITLE TEN, UNITED STATES CODE RELATING TO THE COMPENSATION OF RETIRED MILITARY

Whereas, American servicemen and women have dedicated their careers to protect the rights we all enjoy; and

Whereas, Career military personnel endured hardships, privation, the threat of death, disability and long separations from their families in service to our country; and

Whereas, Integral to the success of our military forces are those soldiers and sailors who have made a career of defending our great nation in peace and war from the revolutionary war to present day; and

Whereas, There exists gross inequity in the federal statutes that denies disabled career military equal rights to receive Veterans Administration disability compensation concurrent with receipt of earned military retired pay; and

Whereas, Legislation has been introduced in the United States Congress to remedy this inequity applicable to career military dating back to the nineteenth century; and

Whereas, The injustice concerns those veterans who are both retired with a minimum of 20 years, are denied concurrent receipt of hard earned military longevity retirement pay and Veterans Administration awards for service connected with disability; and

Whereas, Career military earn retirement based on longevity of twenty years for honorable and faithful service and rank at time of retirement; and

Whereas, Veterans administered compensations serve a different purpose from longevity retired pay and are intended to compensate for pain, suffering, disfigurement, chemicals, wound injuries and a loss earning ability and have a minimum requirement of 90 days of active duty; and

Whereas, The prevailing idea that military retirement pay is "free" is false. There is a contribution to retirement pay, which is calculated to reduce military base pay and retirement pay by approximately seven percent when pay and allowances are computed and approved by Congress; and

Whereas, Traditionally, a career military person receives a lower pay and retirement than his or her civilian counterpart and has invested a life of hardships and long hours without the benefit of overtime pay and lack of freedom of expression through the unions; and

Whereas, The Veterans Administration awards dependents allowances to disabled veterans with a thirty percent (30%) disability or more for each dependent, which allowances are increased with the amount of disability; and

Whereas, The Department of Defense deducts the entire amounts of dependents allowance, essentially leaving the disabled military retiree with no dependents allowance and that extends the discrimination to the families of military longevity retirees; and

Whereas, It is unfair to require disabled military retirees to fund their own Veterans Administration compensation by deductions on a dollar for dollar basis in the Department of Defense; and

Whereas, No such deduction applies to similarly situated federal civil service or Congressional retirement benefits to receive Veterans Administration compensation; and

Whereas, A statutory change is necessary to correct this injustice and discrimination in order to insure that America's commitment to national and international goals be matched by the same allegiance to those who sacrificed on behalf of those goals; now therefore be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations hereby urges the United States Congress to amend title ten, United States Code relating to the compensation of retired military, permitting concurrent receipt of military retired pay and Veterans Administration compensation, including dependents allowances; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the President of the United States, Secretary of Defense, Senate Majority and Minority Leaders of the U.S. Congress, Speaker of the House, Committee Chairman of the Senate Armed Forces Committee and Veterans Affairs Committee, House Committee Chairman, National Security and Veterans Affairs Committee, and each member of the Rhode Island Delegation to Congress.

IN MEMORY OF KIRK O'DONNELL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. LANTOS. Mr. Speaker, I would like to pay tribute to the memory of Kirk O'Donnell, who passed away last week at the age of fifty-two. Throughout his three decades in public service, both as an aide to Speaker Thomas P. "Tip" O'Neill Jr. and Boston Mayor Kevin White and as an advisor to some of our nation's most influential officials, Kirk served his country with an abundance of dignity and integrity that could be matched only by the fullness of his patriotism.

In sharp contrast to many of today's political "spin doctors" who nurture cynicism in exchange for votes, Kirk's wisdom rested in his ability to communicate his principled desire for a better America, a moral society with opportunity for all and poverty for none. His contributions toward achieving this end were immeasurable.

Kirk was also a very dear personal friend, Mr. Speaker. I worked closely with him when he served as counselor to Speaker O'Neill, but our friendship continued, and even grew warmer, after he left public service when Tip O'Neill retired. He was committed to decency and fairness, and I had great respect for his compassion for the less fortunate.

Mr. Speaker, Boston Globe columnist Thomas Oliphant wrote an eloquent tribute to Kirk O'Donnell that eloquently articulates the outstanding character traits that I and so many others admired in him. I submit Mr. Oliphant's column to be placed in the RECORD. I invite my colleagues to join me in remembering the life of Kirk O'Donnell and extending our heartfelt condolences to his wife of 26 years. Kathryn Holland O'Donnell, and his two children, Holly and Brendan.

[From the Boston Globe, Sept. 10, 1998]

HE STOOD FOR POLITICS AT ITS BEST

(By Thomas Oliphant)

WASHINGTON.—He was arguably the best mayor Boston never had, among a handful of people who mattered most to the turbulent city of the 1970s.

No one did more for the House of Representatives over the last generation who was never elected to it; no history of national affairs in the 1980s is complete without his large thumbprint.

The last four presidents have known all about his special gifts and felt their impact; the two Democrats (the completely different Jimmy Carter and Bill Clinton) had more than one occasion to depend on them big time.

On an average day he could get your brother a fair shot at the police force, help repair Social Security, broker the biggest tax bill of modern times, keep the Big Dig's cash coming, and still make it home for supper.

All across the intersections where politics and government meet in the interests of real people, the shock and pain at Kirk O'Donnell's death over the Labor Day weekend is the only recent event to unite Republicans, congressional Democrats, and Clintonites in this season of shame and ugliness.

You'd think all this emotion concerned a senior statesman passing on after a long lifetime of service, the occasion for a proud-sad moment to celebrate a life lived magnificently.

But the shock and pain arrived like a rusty blade in the gut because O'Donnell was only 52; he did things in his 30s and 40s that big shots in their 60s never accomplish. But the best was still ahead of him, and the sky was the limit; if the Democrats ever elect another president, a Cabinet post or chief of the White House staff would have been lateral movements for him.

This is the kind of death that shakes your faith, making it all the more important to reaffirm it. And the fact is this blend of Dorchester and D.C., of Boston Latin and Brown

was a walking reaffirmation of faith in the potential of public service, a shining example of the silent majority who don't broker votes for cash, check their principles at the front desk, ignore their families, welsh on their commitments, indulge their whims and their urges, lie, and shirk. His life demonstrates that at the end only two things matter—whether your word's any good and how you treat others.

Two stories: Kevin Hagen White gets the credit for discovering him in the early years of decentralized innovation and leadership and hope for the racially polarized town. By 1975, the young political junkie who could explain Boston by precinct or by parish was entrusted with White's third-term reelection campaign.

It was the roughest, ugliest, closest fight in modern Boston times. The people involved, despite all they've done since, still get together to tell the old stories and refight the old shouting matches. The one reputation that was enhanced by the bruising experience was O'Donnell's, for focusing like a laser beam on organizing the White vote and focusing on Joe Timilty's lack of a clear alternative.

After it was over and he was down in Washington with Tip O'Neill, it was increasingly clear that his former boss had lost his fastball. Again and again, from the shadows of the speaker's rooms in the Capitol, O'Donnell saw to Boston's interests. He would happily recount to me the stories of program formulas rejiggered to benefit the cities, of special items in appropriations bills (worth billions of dollars over time) as long as I understood that if I used his name in public he would rip my lungs out.

Just for the record, O'Donnell was more than enough of a city lover and urban scholar to know about subway analogies in politics. But he was the guy, in 1981, who called Social Security the third rail of American politics; few lines have been ripped off more. But he did it to make a point—that Ronald Reagan had touched it by reaching beyond his mandate to try to slash future benefits in a partisan initiative. With the help of the worst recession in 60 years, he and Speaker O'Neill pounced on that goof to effectively end the Reagan Revolution.

But that same skill was then put to use on the speaker's behalf to help broker a bipartisan repair job that has lasted 15 years and made the next stage of generational common sense possible. He was to Congress in the 1980s what Jim Baker was to the Reagan White House.

He was a big guy, with a big voice he rarely used except to laugh. Everyone trusted him. There are tears being shed today in saloons and salons, in boardrooms and in back rooms. Kirk O'Donnell's life demonstrates the power of the haunting challenge made famous by the Kennedys, that all of us can make a difference and that each of us should try.

HONORS REVEREND JUAN MARTINEZ FOR OUTSTANDING COMMUNITY SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Ms. DELAURO. Mr. Speaker, I am honored to rise today to pay tribute to the Reverend Juan Martinez of New Haven, Connecticut. Reverend Martinez has spent thirty-six years developing and enriching his community, ministering to our souls and nourishing our spirits.

Reverend Martinez arrived in the United States from his native Puerto Rico in 1950, and served his country in our military in the Korean War. Upon his arrival in New Haven in 1962, he established the Pentecostal Church Door of Salvation. Through this church, Reverend Martinez has selflessly devoted himself to the Hispanic community and to the entire city of New Haven. He is the eldest Hispanic minister pastoring in New Haven, and serves as Executive Treasurer for the International Latin American Council of Churches. He is the founder of the New Life Corporation Housing Development Corporation, and is the cofounder of the Associacion Ministerial Evangelica Hispanica de New Haven.

Reverend Martinez has contributed so much to our New Haven that it is difficult to know how to begin to describe his dedication and service. He embodies the values of commitment to family and dedication to neighbors, and is a role model to us all. He is a powerful voice of justice and equality for the Hispanic community, and therefore for our city. He has worked with four mayors of New Haven to improve housing for the needy. He has organized an annual food drive, and founded a community youth and children's program which serves over 120 children, nurturing their minds, enriching their spirits, and giving them a safe place to play and learn.

For thirty-six years, Reverend Martinez has been a force in his community for all that is right and good. It is with great pride and honor that I join with his family, friends and community to say thank you and congratulations.

IN MEMORY OF CASPER BUONOCORE, JR. AND JOHN J. BRACKEN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. MENENDEZ. Mr. Speaker. I rise today to honor the memory of two brave police officers, Casper J. Buonocore, Jr., and John J. Bracken, who were killed in the line of duty twenty-five years ago. They are being honored today at the New Jersey Central Railroad Terminal at Liberty State Park. The City of Jersey City is celebrating the dedication of the Buonocore-Bracken Memorial Building at 60 Collard Street.

P.O. Buonocore, an NTF officer assigned to the West District Scooter Unit, was leaving the scene of a routine arrest on Armstrong and Ocean Avenues on September 12, 1973, when he was shot by a man on a roof and died at the Jersey City Medical Center the same day. The incident was triggered when another man refused to move a car that was double parked. During his tenure of almost three years, Buonocore was the recipient of a Commendation for Armed Robbery award and a Special Letter Class C Award.

P.O. Bracken, an NTF officer assigned to the East District Motorcycle Unit, was struck by a drunk driver who had run a stop sign on September 1, 1973. He died at the Jersey City Medical Center on September 12 of that year. Bracken was responding to a priority call on his motorcycle with lights and siren on when the accident occurred. Also a veteran of almost three years on the force, Bracken won two Commendation Awards.

I know my colleagues will join me in saluting the memory of these two brave officers, Casper J. Buonocore, Jr. and John J. Bracken.

TRIBUTE TO FORMER ALABAMA GOVERNOR GEORGE C. WALLACE

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. EVERETT. Mr. Speaker, I wish to pay tribute to the memory of one of America's political legends and one of my home State's greatest sons, George Corley Wallace.

The 79-year-old former four-term Alabama Governor and Presidential candidate passed away on September 13 in Montgomery after a sudden illness. Governor Wallace was a native of Clio in my congressional district.

There are few names which engender more passion in American politics than that of George Wallace. While the former Governor is remembered by many for his strong and controversial views on a number of social issues during a very difficult period in our Nation's history, his greatest legacy—his role in laying the foundation for modern conservatism—is often overlooked.

As Alabama political columnist Bob Ingram points out, Wallace was quite fond of a 1980 New York Times editorial stating that Ronald Reagan "sailed into the White House on the tide that George Wallace discovered."

The famous "Reagan Democrat" phenomenon was a likely result of the growing conservative political culture which George Wallace expertly marshalled during his bids for the White House more than a decade earlier. Many of George Wallace's stands on State's rights and less government helped to pave the way for the eventual shift of southern Democrats to the modern Republican party.

As a newspaper reporter and later as a publisher in Alabama at the time of Wallace's tenure as Governor, I reported some of the history that he helped create. While, I didn't always agree with the Governor, I never lost respect for his remarkable political skills.

His brave recuperation from an assassination attempt and his remarkable reconciliation with his former political rivals of the Civil Rights era certainly galvanized George Wallace's role in history as one of America's most adept politicians.

The legacy of George Wallace's popular conservatism is very much alive today. I am glad that he was able to see his commonsense government ideals rise to the top of the national agenda even though fate did not allow the skilled political boxer from Barbour County, AL, to fight the last round.

IN HONOR OF THE UNITED WAY'S CONGRESSWOMAN MARY T. NORTON MEMORIAL AWARD WINNERS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. MENENDEZ. Mr. Speaker, I rise today to congratulate Sister Alice McCoy, Margaret Murtha and Maria Nolan for winning the United Way's Congresswoman Mary T. Norton Memorial Award.

The award, which was initiated by the United Way of Hudson County in 1990, recognizes those who exhibit a deep commitment to human service as exemplified by Congresswoman Norton in her 13 terms in the House of Representatives (1925–1950). The Congresswoman was a forward-thinker who advocated for government action to help address issues we are still grappling with today, such as day care, fair employment practices, health care for veterans and the inclusion of women in high levels of government service.

Sister Alice McCoy, a member of the Sisters of St. Dominic, has served Hudson County as an educator, counselor and advocate for the needy for twenty-five years. She has been a teacher at the primary, secondary and collegiate levels. In 1980, as a Pastoral Associate at Our Lady of Sorrows Parish in Jersey City, she helped establish an emergency food and clothing program to aid needy families. Sister McCoy helped found Hudson Hospice, a program which helps the terminally ill and their families by providing emotional support, financial aid, bereavement support, information and referral assistance. In 1994, she became coproducer and host of a cable television program called "Oasis." The program features people from all walks of life and is designed to help inspire others to serve the community.

Margaret Murtha has spent her life advocating for a better quality of life for the mentally ill, HIV/AIDS patients and needy children. Currently, she is the Director of the Hudson County Division of Catholic Community Services (CCS), the social services agency of the Archdiocese of Newark. In this capacity she administers the CCS's homeless shelter system, juvenile crisis intervention, and the Mentally Ill Chemical Abuser (MICA) and HIV Outreach programs. Margaret graduated from Caldwell College and received her masters degree in social work from Fordham University. She holds many certifications and professional memberships in the areas of marriage and family therapy, alcoholism counseling, social work and elementary education.

For the past 23 years, Maria Nolan has been one of the nation's best high school volleyball coaches for Secaucus High School, compiling an outstanding record of 420–68 and capturing 12 state championships. In fact, she was recently chosen as Disney's National Coach of the Year. She was chosen out of a field of 15,000 coaches in all sports. Maria has developed successful teams by helping her players build their self-confidence, work as a team and develop strong character. In 1983, Maria founded and became President of the Hudson County Volleyball Coaches Association. She is married to Tom Nolan and is the mother of two children, Joe and Andrea.

These three deserving recipients embody the life work of Congresswoman Mary T. Norton. They have dedicated their lives to the needy, the mentally ill, the terminally ill and to the education of children. On behalf of my colleagues in the House of Representatives, I congratulate Sister Alice McCoy, Margaret Murtha and Maria Nolan for their outstanding service to the community and for carrying on the work of Congresswoman Mary T. Norton.

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. OBERSTAR. Mr. Speaker, during the consideration of suspension bills yesterday, and a motion to instruct conferees this morning, my vote was not recorded on several roll call votes.

Had I been present, I would have voted "aye" on S. 2206 (Roll Call 426); I would have voted "aye" on H. Con. Res. 304 (Roll Call Vote 427); I would have voted "aye" on H. Con. Res. 254 (Roll Call Vote 428); I would have voted "aye" on H. Con. Res. 185 (Roll Call Vote 429); I would have voted "aye" on the previous question on the motion to instruct conferees for H.R. 4101 (Roll Call Vote 430)

TRIBUTE TO GENERAL WILLIAM W. HARTZOG

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. SKELTON. Mr. Speaker, it is my pleasure to pay tribute to a great soldier on the occasion of his retirement. After over 35 years of more than honorable service, General William W. Hartzog, Commander of the Army's Training and Doctrine Command, retires on 14 September. Over the course of those 35 years, he has demonstrated strong and inspiring leadership, unsurpassed executive ability, and an untiring dedication to the spirit and mission of the United States Army. His many significant and exemplary achievements have gained him the utmost respect in the military and civilian communities both in the United States and abroad. Throughout his entire military career, General Hartzog has tempered mission accomplishment with a deep, committed concern for the welfare and professional development of the soldiers he has led. Let me just provide a few examples from his very impressive career.

His leadership contributed immeasurably to the success of Operation Just Cause, the United States' invasion of the Republic of Panama to bring to justice Manuel Noriega and install a legitimate and democratically elected government. General Hartzog crafted a masterful plan for military operations that not only accomplished the mission of restoring democracy quickly, but also did so with limited loss of life and property. During a period of continual regional crisis, he remained sensitive to the demands of the geopolitical arena while crafting the United States security assistance policies for the region.

In August 1993, General Hartzog became the Deputy Commander in Chief (DCINC) and Chief of Staff of the United States Atlantic Command (ACOM). His in-depth knowledge of and experience with joint organizations, planning, and operations were indispensable to the formation of the then fledgling command. While still forming the staff of this new command, he was called on to begin the planning process for Operation Uphold Democracy in the Republic of Haiti. Starting with a blank sheet of paper, General Hartzog stimulated the staff planning process for Uphold Democracy with his personal involvement, tireless determination, and positive attitude. His efforts resulted in a highly flexible plan that could be changed from forced entry to permissive entry on a moment's notice.

In October 1994, General Hartzog assumed command of the United States Army Training and Doctrine Command (TRADOC). His first mission was to insure that the command was focused on its core mission of training soldiers and leaders in basic and advanced combat skills. Partnering with training units in the Army Reserve, he set about to create a program designed to ensure that all Army institutional training, regardless of component, was done to the same standards. At the same time he made sure that the instruction at all Army schools was relevant, with an eye on the work being done for the Army of the future.

Capitalizing on the groundwork laid by his predecessor, General Hartzog began the Force XXI process in earnest by developing the concepts for the operation and organization of the Army's digital division. Calling on his skills as a planner, General Hartzog developed the concept of using Advanced Warfighting Experiments (AWEs) as a means of testing new concepts and ideas for the digitized force. Through the use of AWEs, General Hartzog was able to test new concept for doctrine and equipment at a more rapid pace than was possible under the traditional system, thus ensuring that the digital force would not be obsolete before it is fielded.

Throughout his career, General Hartzog has made singular and unique contributions at each level he was assigned. In his final assignment, he brought to bear the accumulated experience and dedication of a career spent serving the Nation and our soldiers by bringing to fruition the ideas and concepts of our future force, setting the stage for the evolution of our Army over the next twenty years. He has provided continuity for the profession of arms—integrity, loyalty, dedication, mentorship, vision, and the willingness to take the risks associated with advocating and implementing change while envisioning even more change in the future. General Hartzog's distinguished performance and far reaching impact on the future of the Army and its soldiers reflect great credit upon him, those who mentored him, and the United States Army.

TRIBUTE TO CESAR PELLI FOR OUTSTANDING COMMUNITY DEVELOPMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Ms. DELAURO. Mr. Speaker, I am proud to stand before you today to honor a citizen of Connecticut who has graced the New Haven area and the world with his architectural achievements. Over his long and illustrious career, Cesar Pelli has literally changed the landscape of our cities and our nation with his socially responsive and uplifting designs.

Anyone who has flown into the new terminal designed by Cesar Pelli for the Washington National Airport can appreciate the genius of Pelli's designs: his belief that each building should be shaped by its location and purpose; his sense of space, light and harmony; and his commitment to creating gracious, accessible buildings which facilitate public use, enjoyment, and interaction. Each of Pelli's designs complements and emerges from the existing cityscape, yet transcends and elevates the surrounding structures. His architectural projects across the world serve diverse purposes and peoples, including the Pacific Design Center in Los Angeles, the United States Embassy in Japan, the Commons of Columbus in Columbus, Indiana, the New York World Financial Center and Winter Garden, the More and Stiles Colleges at Yale University, the International Finance Center under construction in Hong Kong, and the renovation of the New York City Museum of Modern Art.

New Haven has been fortunate to have Cesar Pelli call it home since 1977, when he became the Dean of the Yale University School of Architecture. It is fitting that tonight in New Haven, Mr. Pelli is being honored at Casa Otonal, the residential community for the elderly whose inner city campus of workshops, residences, and on-site services and intergenerational programs, was designed by Cesar Pelli twenty-two years ago. Pelli's campus fosters a sense of community among residents and the surrounding inner city neighborhood, reaffirming Casa Otonal's mission and enhancing its success. It is this commitment to city landscape and life which has earned Mr. Pelli more than 100 awards for design excellence, including the American Institute of Architects 1995 Gold Medal for a lifetime of distinguished achievement and outstanding contributions.

Cesar Pelli, we thank you for your commitment and contribution to our cities and to urban life. It is my great honor and privilege to join with the residents and staff of Casa Otonal, and with your family and friends, to pay tribute to your remarkable achievements.

DRUG ABUSE IN RURAL INDIANA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. HAMILTON of Indiana. Mr. Speaker, I would like to insert my Washington Report for Tuesday, September 15, 1998 into the CONGRESSIONAL RECORD.

DRUG ABUSE IN RURAL INDIANA

Last month I held a series of meetings around the Ninth Congressional District to discuss drug abuse in Southern Indiana. These meetings were held in followup to a recent report, Rural Indiana Profile, I commissioned describing the drug abuse problem in rural Indiana, and were aimed at giving local, state, and federal officials as well as community leaders an opportunity to visit about the scope of the drug challenges in our communities and about efforts to combat them. What follows is a summary of the major findings of those meetings.

Scope of problem: Community leaders agreed that drug abuse ranks as one of the toughest challenges they now confront. They are pleased that much good work is being done by many persons and groups to rid our communities of drug abuse, but they also agree that much more needs to be done. Most people know someone who has a drug abuse problem or has been the victim of a crime related to drugs. Among youth, rates of use for alcohol, tobacco and most other drugs are higher in rural Indiana than elsewhere in the state and the nation.

Rural Indiana pays a large price for drug abuse. According to recent statistics, 80–90% of local criminal cases in southern Indiana are drug-related, and drug-related illnesses and treatment account for nearly one-fourth of health care costs.

Response to problem: Community leaders recognize that drug abuse is a complex problem requiring a multifaceted response.

Education and Prevention: Attendees at the meetings all stressed that leaders must say with one voice that there will be zero tolerance for drug abuse in our communities. To reach youth on the harms of drug abuse, we must send this message of zero tolerance repeatedly to our young people, first at the earliest ages and then through grade school and high school. Many communities have drug awareness programs in place in their schools, but local leaders agreed that more could be done, at all levels of government, to expand anti-drug education and prevention efforts.

Joint Response: The response to the drug problem must include more than just law enforcement and the criminal justice system if it is to be successful. It must also include representatives from our schools, prevention centers, treatment facilities, employers, clergy, community organizations, government officials and the media.

Local Coordinating Councils: Every county in Indiana has already established Local Coordinating Councils (LCCs). These councils are intended to coordinate anti-drug efforts in our communities, and their responsibilities include: identifying community drug programs; coordinating community initiatives; designing comprehensive, collaborative community strategies; and monitoring anti-drug activities at the local level. The LCCs have not been around very long, and those who attended the meetings agreed that LCCs are a good idea which require more nurturing, support, and funding. At the county level, there is funding available through fees levied on alcohol and other drug related offenders—but in many rural counties, where the number of drug offenses is relatively small, funding is limited. Community leaders believe that additional funding might come from large employers, civic organizations, grants, and joint LCC efforts.

Treatment: The lack of drug treatment facilities is a concern in every county in southern Indiana. Access to outpatient facilities are generally limited, while access to in-patient, long-term treatment is almost non-existent. Long-term treatment, while often effective, is expensive, and communities must rely on scarce federal dollars for such treatment efforts. LCCs and other community leaders will most likely have to develop local and private funding sources as well as collaborate with neighboring counties in order to expand treatment opportunities for their residents.

Criminal Reporting System: Local law enforcement and prosecutors stress the importance of establishing in Indiana an electronic reporting system, which would provide an easily accessible record of criminal offenders. Indiana is now in the process of developing such a system. Local leaders note that without such a system, it is difficult to identify and clean up "hot spots" where there is a lot of drug activity, build meaningful partnerships among jurisdictions, or obtain funding for particular initiatives.

Drug Courts: Most local courts in Indiana that routinely deal with alcohol and drug offenses have created various evaluation and treatment programs through their probation departments. There have been few drug courts established, however, to deal specifically with the growing docket of drug abuse cases. Many jurisdictions around the country are turning to drug courts, which generally place non-violent drug abusing offenders into intensive court-supervised treatment instead of prison. The City of Lawrenceburg is attempting to open a juvenile drug court for Dearborn and Ohio counties. This will be the first rural drug court in Indiana, and will serve an estimated 50 to 60 juveniles in the first year of operation.

Conclusion: Our communities in Southern Indiana are diverse, but they face similar challenges in fighting drug abuse and many are adopting similar strategies in dealing with the problem. Short-term goals include: better coordination through the Local Coordinating Councils, better evaluations of programs and access to evaluations, more youth initiatives, and more public-private initiatives. Long-term goals include: inpatient facilities within reasonable driving distance for residents, development of multijurisdictional drug courts, and expanded education programs for children and youth.

Community leaders also recognize that schools, the court system, and other local institutions can only do so much in combating drug use in southern Indiana. Fighting drugs, they say, really starts at home. Parents must set the example of drug-free living if children are expected to accept a similar lifestyle, and must talk to their children about the dangers of drug use. We must all work hand-in-hand, from the home to the schools to the courthouses, if we are to achieve drug-free communities in Indiana.

Rural Indiana Profile is available on the Internet at the following address: www.drugs.indiana.edu/publications.

A TRIBUTE TO CHIEF PHILLIP MARTIN

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. PICKERING. Mr. Speaker, I rise today to pay tribute to a man whose leadership and hard work has made the Mississippi band of

Choctaw Indians a success story—that man is Chief Phillip Martin.

Chief Martin has served the tribe for over 40 years—during that time he has strived to improve the health, wealth and welfare of the tribe by promoting self responsibility, self reliance and self governance. His mantra has been "Choctaw self determination."

Rather than rely on the Federal Government to address their needs, Chief Martin began to instill the values of self reliance in his tribal members and educate American businesses and industries about the economic opportunities available to them on tribal lands.

As the Democratically elected leader of the Mississippi Band of Choctaw Indians, he has pursued a "dual track" to ensure that the tribe he leaves behind will be better than the one he was born into.

First, Chief Martin has made enormous investments ensuring educational opportunities for the children of the tribe—including state of the art classrooms and scholarships for college-bound students.

Next, he cultivated a business-friendly environment on tribal lands and developed more than a dozen commercial enterprises. These businesses now provide over 6,000 jobs to tribal members and their neighbors in the surrounding area—making the Choctaws the fifth largest employer in Mississippi and virtually eradicating unemployment among the Mississippi Choctaws.

By believing in the abilities of the tribe and engaging businesses in the local economy, Chief Martin has proved that "Choctaw self determination" has worked.

CONGRATULATIONS TO GEORGIA WARE

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BLUNT. Mr. Speaker, anyone who has been an employer can tell you the difference great employees can make on behalf of a business or organization. Exceptional employees are the foundation of exceptional endeavors, happy clients or customers, successful businesses and extremely pleased bosses. It's true—great employees make their bosses look good!

When Georgia Ware retires from her job as Peter Herschend's Administrative Assistant at Silver Dollar City this October, Peter is going to have to work harder to keep up his image. Georgia has made him and Silver Dollar City in Branson, Missouri look really good for almost twenty years.

Many people only know Georgia Ware by telephone. When people call Peter Herschend, the Vice Chairman of Silver Dollar City, Inc.—the internationally—known family-oriented attraction in Branson—Georgia is who they talk to first and first impressions are important.

Georgia is more than an assistant. Her voice has the ultimate sound of hospitality blended with just the right amount of authority needed to represent a very busy and very sought after boss, as he tends to this unique family-owned business. She knows how to respond to CEO's, family friends, local business leaders, Governors, and even Congressmen—with just the right touch. Georgia is the perfect diplomat, ambassador and empathizer. Even "no" sound pretty good when she says it.

Georgia will be leaving Southwest Missouri to move closer to her only son, Jerry, his wife, Debbie and their daughter, Mindy. We know they look forward to her arrival and she surely is ready to be closer to them.

Silver Dollar City and all of us who work with them will sorely miss her contributions to their every day efforts. My best wishes and many thanks to Georgia—she is exceptional.

PERSONAL EXPLANATION

HON. JIM RYUN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. RYUN. Mr. Speaker, I was unavoidably detained for rollcall vote no. 426 on S. 2206, the Human Services Reauthorization Act of 1998. Had I been present, I would have voted "yea."

TRIBUTE TO SERGEANT KENNETH R. HOBSON, II

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. SKELTON. Mr. Speaker, I invite my colleagues to join me in paying tribute to the memory of one of our Nation's brave young soldiers who gave his life in service to this country. Sergeant Kenneth R. Hobson, II lost his life in the tragic bombing of the U.S. Embassy in Nairobi, Kenya.

This 27-year-old hero from Nevada, MO, was assigned to the U.S. Army Defense Attache, Kenya, in April 1998 as an administrative specialist. He dedicated almost ten years of his life to serving our country in the U.S. Army, enlisting in July 1989. Sergeant Hobson was a soldier whose bravery and skill were tested during the Persian Gulf War. As a result of his commitment to duty and freedom in that conflict, he was awarded the Southwest Asia Medal with two bronze service stars and two Kuwait Liberation Medals. He also served our Nation proudly in Germany during two previous tours there.

Sergeant Hobson was an accomplished soldier—the recipient of the Army Commendation Medal, the Army Achievement Medal, three Good Conduct Medals, the National Defense Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the Air Assault Badge, and the Expert Marksmanship Badge.

Sergeant Hobson loved his country and believed in our Nation's tenets and principles. His beliefs were manifested in his dedication to the duties he was charged with and the commitment he displayed in service to our Nation, half a world away. Although his life was cut short by a terrorist's cruel attack, it is my sincere hope that his values and beliefs, instilled in him by his parents, Kenneth and Bonnie Sue, will be carried on by his wife, Deborah and daughter, Megan.

I invite my colleagues to join me in remembering Sergeant Kenneth R. Hobson, II and his family. I pray that we all let his courage and selfless commitment guide our public service and that we ensure his memory will never be forgotten.

TRIBUTE TO ORLANDO COONS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor Mr. Orlando Coons who passed away on September 7, 1998. Mr. Coons was born in Clark County, Ohio on November 1, 1915 to Grace and Blaine Coons. He moved to Los Angeles at an early age, where he attended and later graduated from Jefferson High School. While at Jefferson High School, Orlando ran track, played football, and taught himself gymnastics.

After graduating from high school, Orlando joined the Civilian Conservation Corps which eventually brought him to San Diego where he met and married Nellie Margaret Cheaves. In 1936, Orlando enrolled into San Diego State College, and majored in Engineering. He eventually transferred to the University of California at Berkeley where he earned a Bachelor of Science Degree in Engineering. Orlando Coon's lifelong occupation was as an Aeronautical and Aerospace Engineer for the Federal government at the North Island Naval Station in San Diego for 37 years.

While at San Diego State College, Orlando competed in track and field and gymnastics. He was very successful as a gymnast, earning honors including the California College Athletic Association Championship in 1939 when he won an astounding six individual events. Orlando was the CCAA "All-Around" gymnastic champion in 1939 and 1940. In four gymnastic meets, Orlando Coons amassed the amazing total of ten firsts, two seconds, and two thirds, all attained against top competition.

As a reward for his performance, San Diego State College Dean C.E. Peterson appointed Orlando Coons as the Head Coach of the Gymnastics Team, making him the first African-American coach at San Diego State College. His team went on to win hundreds of awards. He won a 6th place medal at the United States Gymnastic Championships which automatically made him a member of the prestigious United States Gymnastic Team—thus becoming the first African-American ever on the United States team. Orlando Coons was invited to participate in the Pan American Games and was later appointed as an alternate on the United States Olympic Team.

For over a decade, Orlando Coons was considered the best gymnast on the West Coast. He was honored by the National YMCA for more than 50 years of community service as a gymnastics coach.

Orlando provided a tremendous amount of love and caring, discipline and love to his family and community. Orlando and wife Nellie

had four children, and all received college and university degrees in higher education. He will be truly missed by family, friends and a grateful community.

A BIPARTISAN PROCESS SHOULD BE FUNDAMENTALLY FAIR TO ALL PARTIES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. CONYERS. Mr. Speaker, there was much discussion, in the media and in the halls of Congress, about how Congress would handle Independent Counsel Kenneth W. Starr's report on President Clinton. While members on both sides of the aisle agreed to work on a bipartisan basis, there remained an important area of contention. The failure to resolve that issue resulted in a process that is fundamentally unfair to the subject of the report, the President.

The President's private attorney, David Kendall, requested from Mr. Starr that he allow the President's legal team to see a copy of the report before transmitting it to Congress. Mr. Starr denied Mr. Kendall's request and delivered the report to Congress without including the President's views. There was, however, another opportunity for the President to be given a chance to read the report and submit any additional views. Speaker GINGRICH claimed repeatedly that there was no precedent for letting the President review the report even before it is released to the public. I respectfully disagree. There are several precedents for granting the targets such a period of review.

First, in August of 1993, the judges who supervised Special Prosecutor Lawrence Walsh's Iran-Contra investigation gave the targets of the investigation 30 days to read the report and submit comments. After releasing to the public in unclassified portions of the report and the subjects' comments, the court sent the classified portions of the report and the comments to Congress. The subjects' rebuttals to the allegations in Mr. Walsh's report were, in fact, twice as long as the report itself.

Second, when the Speaker was charged with filing inaccurate and misleading information that resulted in his paying a fine of $300,000, he received an advance copy of the statement of allegations. In addition, the Speaker was quoted as saying that Investigator Cole's report should be made public only after the Speaker had time to review it.

Also, in 1985, during the Judiciary Committee's investigation into the Justice Department's withholding of EPA agency documents from Congress, the Committee permitted the persons whose conduct was being investigated to review the draft and submit rebuttal information.

Even in Watergate the Judiciary Committee received grand jury evidence in closed-door hearings for seven weeks with the President's lawyer in the same room. The materials received by the Committee were not released to the public until the conclusion of this evidentiary presentation, well after the White House had full knowledge of the material being considered by the Committee.

Three of the examples above concerned matters of a magnitude far less than an impeachment inquiry. Even in those instances, the subjects were given the opportunity to include their comments in the report before the report went to Congress. I find it highly objectionable that the President would not be given rights that were given to other targets in less historic investigations. I urge my colleagues to be fundamentally fair to all of the parties involved in this matter, including the target.

REMARKS ON THE NOISE PROBLEM AT DIA

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise today to address a persistent problem that has plaqued many of my constituents, namely, the 24-hour a day noise from Denver International Airport (DIA). Since the airport opened in 1995, the hard-working people of Colorado's Eastern Plains have been subjected to daily intrusions by the noise of arriving and departing aircraft. Compounding this problem is the fact that Denver city officials, and bureaucrats at Federal Aviation Administration, have failed to adequately address the noise problem. My constituents have been caught in a bureaucratic catch-22. The city of Denver claims only the FAA has the power to adjust take-off and landing patterns, while the FAA maintains any changes must be done at the behest of the city and airport officials. Sadly, my constituents are the ones caught in the middle.

Beginning in 1996, Congress placed a prohibition on federal funds for the construction of a sixth runway at DIA. This prohibition was the direct result of the city of Denver's and the FAA's unwillingness to address the noise issue. The hope was withholding funds would compel serious solutions for those affected by airport operations. It is unfortunate this step was necessary, and I would have preferred an amiable discussion, but after trying to work with the FAA and Denver officials, it became clear a confrontational approach was the only way to secure results.

Last spring, a study was released on the noise from aircraft operations at DIA, Buckley Air National Guard Base, and Centennial Airport. This study was commissioned by several front range counties, and relied on computer modeling to predict the possible impact of various air routes, and the possible addition of a sixth runway. While some have argued this justifies the lifting of the funding ban on the sixth runway, the report itself makes it clear further work is needed. Quoting from the report, "This study should be viewed as but a first step in analysis of possible aircraft-route modifications in the Denver area."

Lifting the ban on funding the sixth runway took off of the table the one tool that has proven effective in forcing the city of Denver to straightforwardly face the noise issue. This problem has lingered for too long, and the only positive strides that have been made are the direct result of the funding prohibition on the sixth runway. Mr. Speaker, I encourage the Congress, the FAA and the city of Denver to vigorously pursue solutions to DIA noise suitable to the residents of Colorado's Eastern Plains.

HONORING THE MISSISSIPPI BAND OF CHOCTAW INDIANS' COMMITMENT TO TRIBAL SELF-GOVERNANCE AND PROSPEROUS TRIBAL ECONOMIES

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am proud to rise today to join my colleagues in honoring the extraordinary leadership of Chief Philip Martin and commending the successes of the Choctaw Tribe.

As a member of both the Congressional Native American Caucus and the Resources Committee, I have dedicated many hours to the promotion of tribal sovereignty and have met with numerous tribal leaders across the country to determine ways to jump start tribal economies. The Choctaw achievements and record in these two areas is truly exceptional.

Chief Martin's commitment to tribal self-determination, tribal sovereignty and the development of tribal economies has brought about enormous positive change to the Choctaw Reservation and the surrounding communities in Southeastern Mississippi.

By rebuilding the tribal government, educating its tribal members and constructing the basic infrastructure to maintain a very modest manufacture-based economy, the Choctaws were able to carve out a place for the tribe in the mainstream economy in the late 1970's. Over the last twenty years, Chief Martin has been able to expand the economy and create manufacturing jobs for members and the surrounding communities. This progress has allowed the tribe to improve the reservation infrastructure, construct single family homes for tribal members, and strengthen education and training among Choctaw citizens.

This diversified economy has also enabled the tribe to become entirely self-governing. Revenues from the Choctaw enterprises are used to operate their own courts, fire departments, police force, reservation school system, housing authority, utility commission and health care system.

The resurrection of the Choctaw Tribe is a remarkable story. It is a model from which our Nation's Indian tribes can learn from and try to replicate. It is also a story lawmakers should look toward when considering legislation that affects native Americans. The Choctaws are indeed a tribe worth emulating, and their experiences exemplify what strong tribal governments can achieve.

TRIBUTE TO THE 75TH ANNIVERSARY OF ST. CLAIR COUNTY COMMUNITY COLLEGE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BONIOR. Mr. Speaker, from universities to elementary schools, I am proud of the educational excellence that is represented in my home state of Michigan. The citizens of Michigan have a long history of defending quality schools and programs. On September 19, 1998, the residents of St. Clair County will celebrate the founding of St. Clair County Community College.

In the early 1920's, Michigan state law stated that only cities with a population of at least 30,000 people were permitted to have Junior Colleges. According to the 1920 census, the City of Port Huron only had 25,000 people. But thanks to the commitment of local officials, the Port Huron Parent-Teacher Association, Superintendent H.A. Davis and State Senator John Smith, the law was changed and in 1923 Port Huron Junior College became a reality.

Since 1923, Port Huron Junior College has grown from thirty-four students into St. Clair County Community College serving 9,200 students annually. For seventy-five years, the College has been a place where students have had the opportunity to pursue a career and extracurricular activities. Drama, music, art and sports are just a few of the areas where students have enhanced their educational experience.

Throughout the past seven and a half decades, St. Clair Community College has been a stepping stone for students throughout St. Clair County. It has been a place where students have the opportunity to enrich and improve their lives through education. I applaud the staff and faculty of St. Clair County Community College for their seventy-five years of dedicated service to the education of their students.

TRIBUTE TO COLONEL ROBERT L. "LARRY" DAVIS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. PACKARD. Mr. Speaker, I would like to pay tribute to Colonel Robert L. "Larry" Davis who is leaving the Los Angeles District of the Army Corps of Engineers, and will be taking on the Chief of Staff position at Fort Leonard Wood, U.S. Army Engineer School in Southern Missouri.

Colonel Davis has held various positions in the Army Corps of Engineers, including serving as an exchange officer to the Australian School of Military Engineering and participating in Operation Desert Storm in Saudi Arabia. Colonel Davis also participated in Operation Desert Shield in Kuwait and Operations Restore Hope and Continue Hope in Somalia. In the United States, Colonel Davis took part in the Hurricane Andrew Relief Operations in the Miami area.

Colonel Davis has had an extraordinary career. His long list of awards and decorations include the Legion of Merit, Bronze Star Medal, Meritorious Service Medal with three campaign stars. He has also earned the Parachutist and the Air Assault Badges. Last, but certainly not least in Larry Davis' long list of accomplishments, is his dedication as a husband and father of two children, Kimberly Anne and John.

I have enjoyed working with Colonel Davis over the years in addressing various Army Corps issues in my district. I will surely miss his attention, and that of his staff, to matters of importance to me.

Mr. Speaker, I would like to thank Larry for his hard work and dedication. I would also like to wish him and his wife Barbara continued success and happiness in Fort Leonard Wood, Missouri.

PERSONAL EXPLANATION

HON. CHARLES W. PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. PICKERING. Mr. Speaker, I was unable to return to the House floor because I was unavoidably detained and missed the following rollcall votes:

(1) Rollcall vote No. 426, S. 2206. Had I been present, I would have voted "yea."

(2) Rollcall vote No. 427, H. Con. Res. 304. Had I been present, I would have voted "yea."

(3) Rollcall vote No. 428, H. Con. Res. 254. Had I been present, I would have voted "yea."

(4) Rollcall vote No. 429, H. Con. Res. 185. Had I been present, I would have voted "yea."

THE OMNIBUS NATIONAL PARKS AND PUBLIC LANDS BILL OF 1998

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. HANSEN. Mr. Speaker, it is with great pleasure that I introduce today the National Parks and Public Lands Omnibus Bill of 1998. This is a very good and necessary bill that addresses a variety of important concerns and issues dealing with National Parks, wild and scenic rivers, heritage areas, National Forests, and many other public lands. This bill is a compilation of a number of resource related bills, most of which have gone through individual hearings and followed the legislative process. Numerous Members of Congress are to be commended and congratulated for their hard work on the single parts of this bill which, together, make this a landmark piece of legislation. The far-reaching Omnibus National Parks and Public Lands Bill accomplishes many goals and addresses a multitude of public lands concerns to assure that our cherished parks and public lands, many of them national treasures, are protected, expanded, and improved. It also creates new and important historic sites, heritage areas, and wilderness areas so that the American public can enjoy, benefit, and use these extraordinary natural and historic resources.

Furthermore, the wonderful natural and significant historic areas that the Omnibus National Parks and Public Lands Bill protects and creates, span the breadth of this great country of ours. In fact, it deals with resource issues and areas in over 305 States—from wild and scenic rivers in Massachusetts, to creating wilderness areas in California, to studying Midway Island, far out in the Pacific Ocean, from the Everglades of Florida to Mount St. Helens in the State of Washington.

Of equal breadth and scope is the variety of issues and areas that this bill addresses. For example, the Omnibus Bill will assure a fair and equitable land exchange dealing with hundreds of thousands of acres of school trust lands in Utah while also authorizing an innovative approach to land management in Utah's spectacular San Rafael Swell area. It will create new trails across the United States and authorize the construction of a trails interpretive center. These trails will bring years of enjoyment to those who wish to hike across the entire United States or for those who just want to take a few steps on trails that the American pioneers made on their courageous treks to settle this country.

In addition, this bill establishes new affiliated units of the National Park System, like a historic site which will honor America's most prominent landscape artist, Thomas Cole. Other affiliated areas include the unique and innovative Eastside Tenement Museum in the heart of New York City and the important Casa Malpais Indian ruins in the middle of picturesque rural Arizona.

This bill also re-authorizes and extends a number of Commissions which were established to better manage many of our park units or affiliated areas, like the Delaware Water Gap and the Illinois-Michigan Heritage Corridor. Moreover, it expands many of the existing National Park units, like the unique and beautiful Arches National Park in Utah, the Cape Cod National Seashore, the Fort Davis Historic Site in Texas, the Morristown Historic Site in New Jersey, the George Washington Boyhood Farm in Virginia, and Abraham Lincoln's Birthplace in Kentucky.

The Omnibus National Parks and Public Lands Bill of 1998 provides for many land exchanges which help Federal agencies better manage their resources, it authorizes a memorial to a great world leader, Mahatma Gandhi, it establishes a cave and karst research center. In addition, this bill makes needed technical corrections to previous laws, it establishes new heritage areas and new historic sites and even authorizes construction of a new visitor's center for the Independence Mall so that the public can better interpret and marvel at the history and people behind founding of this great country.

The paragraphs above outline just some of the many things that this bill accomplishes. In fact, the Omnibus National Parks and Public Lands Bill of 1998 does more than any other single piece of legislation could, in order to ensure that the management and creation of America's parks and public lands remains a top priority of this Congress. It creates new National Park units, new wilderness areas, new historic sites, and new heritage areas. It

expands existing National Parks, authorizes land exchanges and conveyances, and makes numerous and necessary technical changes to existing laws so that parks can operate more efficiently. In short, this bill assures that our country's magnificent historical, cultural, and natural resources and areas will be protected and managed effectively now and in the future.

PERSONAL EXPLANATION

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Ms. ROS-LEHTINEN. Mr. Speaker, yesterday I was not present due to important business in my home district and missed four rollcall votes (426, 427, 428 and 429). If I had been present, I would have voted "aye" on all four votes.

SALUTE TO VIOLET THOMPSON

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Ms. SLAUGHTER. Ms. Speaker, I rise today to pay tribute to an outstanding citizen of my district and the state of New York, as well as an outstanding American: Ms. Violet Thompson. Ms. Thompson will be honored on October 20, 1998, in St. Louis, Missouri by the National Industries for the Blind as the 1998 Peter J. Salmon National Manufacturing Employee of the Year. Ms. Thompson overcame a difficult childhood punctuated by repeated stints in foster care to raise a family and pursue a career.

Ms. Thompson's birth-related blindness was not detected until she was in the sixth grade. By then, Violet had fallen far behind the other students both in her academic work and her sense of self-esteem. Through her own perseverance and hard work, the help of an attentive teacher, the encouragement of her stepfather, and large print books, Violet learned to read and write and graduated from high school at the age of 20.

Ms. Thompson married soon after and settled down to raise a family of four daughters and seven grandchildren. Seven years ago, Ms. Thompson decided to take on a new challenge and return to work. She learned about the Association for the Blind and Visually Impaired-Goodwill Industries in Rochester, New York and joined the workforce on the production line. Ms. Thompson's dedication and skill allowed her to move rapidly through the various manufacturing stations and in time she reached her present position of Production Supervisor. In her position, Ms. Thompson benefits from a number of assistive technologies, including a Visual-Tek closed circuit television as well as hand held magnifiers.

Violet Thompson is a hard working American who has seized the opportunity offered by the Javits-Wagner-O'Day Act (JWOD) to expand her horizons through meaningful employment. For six decades, JWOD has acted as an effective and cost-efficient catalyst to open jobs to people who are blind, like Violet Thompson. Today, not only is Ms. Thompson helping to support herself and her family, she is working in an environment that has helped to nurture her sense of self-worth and productivity. "I feel equal at ABVI-Goodwill . . . I've worked [at] other places and wasn't treated the same way," says Ms. Thompson. "I really, really love my job."

Mr. Speaker, please join me in acknowledging and congratulating a fine American whose hard work and perseverance are honored by this award.

STATEMENT OF THE HONORABLE TOM DELAY REGARDING THE SUCCESSES OF THE CHOCTAW INDIANS OF MISSISSIPPI

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. DELAY Mr. Speaker, I rise to salute a true economic success story—the Choctaw Indians of Mississippi.

Lead by the dynamic Chief Phillip Martin, the Choctaw Indians, using the power of the free market and the philosophy of individual freedom, have improved the life of the members of the tribe and the surrounding community.

For over 150 years, the tribe was mired in the deepest poverty imaginable. Unemployment was often as high as 75 percent. Life expectancy was only 45 years and local education stopped at the sixth grade.

But lead by Chief Martin, the Choctaw Indians have seized the power of self-determination and economic freedom. By relying on the power of the market and not the power of government the Choctaws have become an economic powerhouse. Through their ingenuity and hard work, Chief Martin and the Choctaws have established a new paradigm of success for all Native Americans.

I urge other citizens who wish to better their lives to view the tribe as a model for success. The Choctaws are a powerful example of the miracles that personal freedom can work in the lives of all Americans.

CHIEF MARTIN

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. PARKER. Mr. Speaker, it is with great pride that I come to the floor today to pay tribute to one of Mississippi's finest and most dedicated leaders, Chief Phillip Martin of the Mississippi Band of Choctaw Indians. The special vision of Chief Martin has enabled the Choctaw tribe to rise out of deep poverty to become a thriving economic force in my state.

As Representative from the 4th District of Mississippi, I have been able to get to know Chief Martin and observe firsthand his dynamic leadership and entrepreneurial savvy.

Chief Martin is known for his hard work to move the Choctaw Tribe closer to a self-reliant, self-empowerment tribe. Chief Martin is convinced that through private enterprise, the Choctaw Tribe will continue to prosper.

It is an honor for me to stand here today to praise and thank Chief Martin and the Choctaw Indians for their contributions to the great state of Mississippi.

TRIBUTE TO BOETTCHER SCHOLARSHIP WINNERS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I rise in recognition of the 1998 Boettcher Foundation Scholarship winners. Each year the Boettcher Foundation grants 40 merit-based scholarships to superior young people from Colorado high schools. Begun in 1952 as a statewide competition recognizing scholarship, leadership and achievement by young men and women, the program seeks to reward outstanding high school seniors who demonstrate the potential to make significant contributions to Colorado. Since the program's inception, the Foundation has awarded 1779 scholarships. The Boettcher Scholarship Program is budgeted at $1,600,000 annually and is one of the largest private scholarship programs in the state, and one of the leading merit scholarship programs in the nation.

These awards cover virtually all college expenses for recipients who choose to further their education in their home state of Colorado. The scholarships consist of full tuition, fees, and book allowance, and a $2,800 annual stipend for living expenses. The scholarships are granted for eight semesters at either a public or private four-year college or university within the state as long as the scholar maintains a minimum GPA of 3.0.

Selection is strictly "merit-based," allowing all seniors in Colorado to compete based upon their individual accomplishments. This year's scholarship winners were selected from approximately 750 applicants on the basis of their academic performance, demonstrated ability, outstanding character and their participation and leadership in both school and community activities. The minimum eligibility requirements to apply include the following: Students must rank among the top 5% of their graduating class, have a score of at least 1200 on the SAT or 27 ACT, be a U.S. citizen and a Colorado resident for their junior and senior year of high school.

I congratulate all the 1998 Boettcher Foundation scholarship winners and their parents, and hereby recognize those residing in my district: Ryan Avery of Ft. Collins, son of Mark and Cynthia Avery; Kristin Bjornsen of Ft. Collins, daughter of Robert and Mary Ann Bjornsen; Charity Hermes of Elbert, daughter of Steven and Rose Hermes; Ryan Johnson of Eaton, son of John and Deanne Johnson; Jennifer Malers of La Junta, daughter of Ralf and Linda Malers; Regina Mattie of Trinidad, daughter of Anthony and Lucille Mattie; Susan Nicholson of Aurora, daughter of Roger and

Mary Kathleen Dykstra; Scott Wilkinson of Ft. Collins, son of Eric and Janice Wilkinson; and Jordan Willeke of Otis, son of Leland and Denise Willeke,

The Trustees of Boettcher Foundation are: Mrs. Charles Boettcher, II, E. Atwell Gilman, A. Barry Hirschfeld, Edward Lehman, Harry T. Lewis, Jr., Claudia Boettcher Merthan, John C. Mitchell, J. William Sorensen and George M. Wilfley.

Mr. Speaker, I congratulate the Boettcher Foundation Scholarship winners on their successes and look forward to their leadership of Colorado.

HUMAN SERVICES REAUTHORIZATION ACT OF 1998

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 14, 1998

Ms. DELAURO. Mr. Speaker, it is my pleasure to rise in support of the bipartisan Community Opportunities and Educational Services Act, which reauthorizes and strengthens some of our most important programs to help needy families: Head Start, LIHEAP, and the Community Services Block Grant.

I am pleased that the Committee has chosen to drop counterproductive, controversial amendments that would have undermined the quality of Head Start programs, and instead has emphasized efforts to improve the quality of services the program offers. I am particularly pleased that the Early Head Start 0–3 program is being expanded, although I would urge the conferees to adopt the 0–3 set-asides in the Senate bill. Recent scientific discoveries have highlighted the importance of the highest possible quality care in the early years of life. Under the Senate legislation, only one in every 25 eligible babies would be served by the Head Start program; the House bill provides $185 million less over five years than the Senate-passed legislation.

I am also pleased that the Committee is reauthorizing the Low Income Home Energy Assistance Program, which has assisted so many needy families in my home state of Connecticut and throughout the country. Too many seniors and families with children are forced to go without food or prescription drugs during the winters' coldest days because they do not have enough money to pay their heating bills and other necessities. And who can forget the deaths in the midwest last year caused by the heat. Seniors who owned air conditioners but were too afraid of the bills to turn them on suffered heat-related illnesses and even died simply because they didn't have the money to pay their energy bills. As we reauthorized the LIHEAP program at $1.1 billion, I call on the House to reject the Labor-HHS appropriations bill which eliminates funding for LIHEAP for next year, and provide full funding for this important program.

The Community Services Block Grant also provides vital services to low income families, including child care, weatherization assistance, home delivery of meals to seniors, and other vital programs. This block grant, which is administered by community groups throughout the country, helps to create a safety net for our most vulnerable citizens.

I commend the Committee for its bipartisan legislation, and urge my colleagues to support this bill.

HONORING ROSANN WISMAN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Ms. NORTON. Mr. Speaker, the District of Columbia is fortunate to have many good people who dedicate their lives to improving the common good. One such person is Ms. Rosann Wisman who, for the past 14 years has served as president and chief executive officer of Planned Parenthood of Metropolitan Washington. During Ms. Wisman's 23 years of experience in family planning management, she has built a local and national reputation for her commitment to the highest standards in reproductive health care.

Planned Parenthood of Metropolitan Washington grew significantly during Ms. Wisman's tenure—both in number of people served and programs offered. Today, over 20,000 women, men, adolescents—more than three-quarters of whom are very poor with little or no access to other medical care—rely on this non-profit's seven family planning clinics. The three Planned Parenthood clinics in the District are located at 2811 Pennsylvania Avenue, SE; 2513 Alabama Avenue, SE; and 1108 16th Street, NW.

Ms. Wisman expanded clinical services to include abortion, the diagnosis and treatment of sexually transmitted diseases, including HIV testing and counseling, and primary care. Today, Planned Parenthood, now in its 62 year, is the largest provider of family services to Washington area low-income women and the District's largest provider of first-trimester abortion services.

Since 1990, as a result of a bilingual outreach program spearheaded by Ms. Wisman, Planned Parenthood has also become a major provider of bilingual, culturally-sensitive family planning services to Latino women and families in Washington and the surrounding area. And, in 1992 under her leadership, Planned Parenthood established a partnership with African-American churches in the District to help reduce unplanned teen pregnancies. This partnership effort led to the opening of a Planned Parenthood family planning clinic at the Allen Chapel A.M.E. Church in Southeast Washington.

Rosann Wisman's commitment to access to reproductive health care services springs from her belief that every child should be a wanted child. Toward that goal, Ms. Wisman advocates freedom of choice—that no woman should be pressured to continue a pregnancy against her will by the government, religion or society. Ms. Wisman has testified frequently on allowing the District of Columbia the freedom to use its local revenue to fund abortions for the city's poor women, and on other birth control and reproductive rights issues before Congressional and local legislative committees.

Throughout Ms. Wisman's 14 years of leadership at Planned Parenthood of Metropolitan Washington, she has helped demonstrate that access to family planing medical services and birth control education reduces the need for abortion, lower infant and maternal deaths, and combats the cycle of poverty and teen childbearing.

Rosann is leaving Washington to move with her family to Japan. It is with special pride that I salute Rosann Wisman and wish her farewell. She will be missed.

PAYING TRIBUTE TO SISTER ALICE ANNE LANE

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BLAGOJEVICH. Mr. Speaker, I rise today to honor and congratulate Sister Alice Ann Lane, who will be celebrating her 70th Jubilee as a member of the Sisters of Charity of the Blessed Virgin Mary.

Sister Alice Ann has devoted 57 of her 86 years to guiding and educating America's youth. She taught in Iowa for 32 years, before sharing her knowledge and wisdom with the children in Northwest Chicago for 25 years. Today, even in her retirement, this vibrant and loving woman dedicates her time to volunteering for the Department of Aging and tutoring students in need of her help.

In a time when education is at the forefront of Congress' agenda, Sister Alice Ann provides what we as legislators already know—that a strong education, including dedicated teachers like Sister Alice Ann, is the cornerstone of a strong democracy and a strong America.

On behalf of the constituents of the 5th district of Illinois, I would like to thank Sister Alice Ann for her devotion and commitment to teaching, to helping others and to touching the lives of so many.

TRIBUTE TO ANGELO R. MUSTO JR.

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to pay tribute to one of East Boston's most beloved and dedicated public servants. Angelo R. Musto Jr., who died on July 4, 1998, left an inspiring legacy of bettering the lives of all he knew throughout the Commonwealth of Massachusetts.

In more than eight decades on earth, there was no arena of community life neglected by Angelo Musto. Politics, social services, business development, youth programs—wherever there was a need, Angelo filled it. In his professional career, Angelo demonstrated the same spirit of selfless service, particularly in steering troubled youngsters towards a brighter future.

He began his career in the depths of the Great Depression with the National Youth Administration. He later became a counselor with

the East Boston Camps and joined the Goodwill House in Jeffries Point, eventually rising to executive director in charge of a wide array of social, educational, and recreational services.

In recognition of his expertise, the late Governor John A. Volpe made Angelo a special assistant in the Boston Municipal Court in 1957 and later appointed him to the Massachusetts Advisory Committee on Corrections to help the criminal justice system mend broken lives more effectively. He was later appointed to the Suffolk County Courthouse Commission. In 1965, Angelo was appointed Deputy Commissioner of Probations and 13 years later rose to become First Deputy Commissioner.

Angelo actively worked with the East Boston Chamber of Commerce for over 40 years and received its Man of the Year Award in 1973. He also served on the boards of the United Fund, the Kiwanis, the Mental Health Area Board, the East Boston Savings Bank and the East Boston Social Centers. Among his many accomplishments, perhaps the most notable was the creation of the Goodwill House Day Program in Jeffries Point, which to this day serves as a national model for urban day camps.

Throughout his years of service, Angelo remained firmly committed to improving the lives of our youth. His work as the general director of the East Boston Camps and as a member of the East Boston Athletic Board helped give city kids a reprieve from the streets and taught them the values he embraced—discipline, compassion and strength of body and mind. By the time I launched my first campaign for Congress in 1986, Angelo Musto had already cultivated the talents of three generations of East Boston's youth and drew on those far-reaching ties to create a formidable political presence in East Boston.

During that first campaign, he drew extensively on his detailed knowledge of the history of the community, reaching back to the arrival of the Kennedys in East Boston. Angelo knew the history, but most importantly he knew the people and the issues they cared about—quality health care, good schools, decent housing, access to college, and protection from outside forces that have long sought to sacrifice East Boston's quality of life to the airline industry.

The eager volunteers that fanned out across East Boston in 1986 quickly learned the rules of politics as taught by Angelo. I recall one incident in which one of the higher-profile members of my campaign team upbraided a volunteer in our East Boston headquarters. Angelo stepped in, and with the persuasive skill he had acquired through years of politicking, calmed the rising tension, gently rebuked the bigwig and at the same time made it clear that the Kennedy team in East Boston would never be a house divided.

Throughout the years that followed, Angelo Musto remained an invaluable member of my Congressional team. As my East Boston District Representative and 8th District Coordinator for Seniors from 1987 until his retirement in 1992, he served as a vital link to the community—attending meetings, fielding constituent calls, and working to fund worthy projects. His dedication to the comfort of East Boston's senior citizens resulted in such accomplishments as securing federal support to renovate the Don Orione Nursing Home.

With Angelo's passing, my heart goes out to his daughter Faith, his brothers Louis and Vincent, his sisters Lucille, Emma, and Theresa, and to his grandchildren George and Lisa.

The truth is, we were all a part of Angelo Musto's extended family, which reached across lines of age and party and profession to include the great sweep of those whose lives he touched and served.

FREDERICK DOUGLASS DAY IN NEW BEDFORD

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. FRANK of Massachusetts. Mr. Speaker, as the Representative of New Bedford, Massachusetts for nearly six years, I am always pleased to have the opportunity to discuss the city's remarkable history. Indeed, New Bedford's marvelous heritage has been recognized by the U.S. Congress with the passage in 1996 of the legislation establishing a National Park in the city to commemorate its role as an international whaling center. A lesser known, but also important, element of New Bedford's history is its role as a way station on the Underground Railroad. That legacy will be celebrated in the city on Thursday, September 17, the 160th anniversary of the arrival in New Bedford of Frederick Douglass and his wife. As part of that celebration, New Bedford Mayor Frederick Kalisz, Jr. has issued a proclamation designating September 17 as "Frederick Douglass Day" in the city.

Frederick Douglass (who took that surname after arriving in New Bedford), is of course known to history as one of the prominent escaped slaves and abolitionists. However, he also lived and raised a family for four years in New Bedford before his personal and political journeys took him elsewhere. Though we are today many decades removed from both his arrival in New Bedford and from the terrible period in our history when slavery existed in this nation, the issue of race relations remains a major problem in this country. And I believe it is important for us to keep the memory of that time alive for several reasons. Obviously, we must never forget either the absolute violation of every conceivable notion of human rights that slavery represented or the stirring achievements of those who traveled on, or helped other travel on, the Underground Railroad, at an extraordinary risk to their lives. But is also important for us to focus on the past because the lessons of that period in our history are still with us today, and as we attempt to alleviate the racial inequities which still exist in our society, we must not forget what came before.

For these reasons, I am very pleased that, as part of the ongoing work of the New Bedford Whaling National Historical Park, the National Park Service has been helping improve our understanding of the city's role in the Underground Railroad. This effort will be supplemented in many valuable ways now that the President has signed into law the National Underground Railroad Network to Freedom Act, a bill I cosponsored and strongly supported. These two initiatives, along with the continued fine work of the many residents of New Bedford who have done so much to keep the Underground Railroad legacy alive for years without federal assistance, will ensure that this important history is preserved for future generations. Though I regret that I am unable to join in the celebration in person because the House will be in session on the 17th, I am especially pleased that New Bedford will be taking the time to publicly celebrate the 160th anniversary of this important date in the city's and our country's history, and I ask that the Mayor's proclamation on Frederick Douglass Day be reprinted here.

PROCLAMATION

FREDERICK DOUGLASS DAY

Whereas: New Bedford was an important station on the "underground railroad" and

Whereas: Frederick and Anna Johnson arrived in New Bedford on September 17, 1838 via the underground railroad and

Whereas: Frederick and Anna Johnson were given refuge by Nathan and Mary Johnson at their 21 Seventh Street residence and

Whereas: Nathan Johnson was responsible for giving Frederick his last name of DOUGLASS and

Whereas: Frederick received one of his first jobs as a freeman, on the wharves of New Bedford and

Whereas: Three of the Douglass children were born in New Bedford, Rosetta, Lewis, and Frederick Jr. and

Whereas: Frederick Douglass gave his first speech in New Bedford, at the Third Christian Church and

Whereas: The Douglass family resided in New Bedford until 1842 and

Whereas: September 17, 1998, marks the 160th anniversary of the escape of Frederick Douglass from slavery to New Bedford.

Therefore, I, Mayor Frederick M. Kalisz Jr., hereby proclaim Thursday September 17, 1998, as FREDERICK DOUGLASS DAY and urge all its citizens to appropriately commemorate this day.

THE PASSING OF BERNICE GLASS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. GILMAN. Mr. Speaker, it is my sad duty to inform our colleagues of the passing of a truly remarkable resident of my 20th Congressional District of New York.

Bernice Glass was only 75 years young, but she not only witnessed the incredible civil rights revolution which took place during her lifetime, she immensely contributed to it.

Born in Virginia, the granddaughter of slaves, Bernice moved with her family to Nyack, NY, at the age of two. She heard from her parents and grandparents of the injustice and inhumanity of Jim Crow, and vowed that future generations would not have to endure such indignities.

Accordingly, Bernice founded the Racial Equality Movement in Rockland County in the 1950's, at a time when Americans were only beginning to become conscious of the need for civil rights for all. She became the first Afro American woman to serve as a police matron, in 1960. She was active in the NAACP, and

witnessed the historic contributions made by Rosa Parks, Dr. Martin Luther King, Jr., and the other giants who courageously fought for civil rights.

In the 1970s, she became the first Afro American Court Officer in the County Clerks office, and was appointed to represent the County Legislature on the Rockland Community Action Council. She also became active with the Housing Authority of the Village of Nyack, and became known as that Village's "unofficial Mayor."

Ms. Glass founded the O'Grady-Brown Memorial Scholarship Fund in 1981, in honor of the two law enforcement officers slain during the infamous Brink's Robbery in her home community earlier that year. This scholarship is awarded to promising students desiring to pursue a career in law enforcement.

Ms. Glass also served as Political Action Chairman of the NAACP, as Legislative Committee Chairman for Women's Issues, as a Member of the Democratic Party Committee, as a parishioner at the First Immanuel Baptist Church in Nyack.

Despite Ms. Glass' contributions—which were truly awesome—perhaps Bernice will be most remembered as a living link with a bygone time: a time when racial justice was not a reality but a dream in the hearts of a few. Bernice shared this dream, and vowed early to dedicate her life to eradicating hatred, prejudice, and bigotry from her community and our nation. She did it through her sterling example, through her diligent work for all people, through education and persuasion, and most importantly of all, through love.

We extend our condolences to her daughter, Fannetta; her sisters, Mary, Nancy and Helen, and her five grandchildren.

Bernice Glass was part of a generation which witnessed the greatest advances in the cause of civil rights in all our nation's history. Let us bear in mind that these advances came about through the efforts and courage of Bernice Glass and people like her throughout our nation.

Bernice Glass will long be missed.

PUNJAB PEOPLE'S COMMISSION MUST BE PRESERVED

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. BURTON of Indiana. Mr. Speaker, the effort by political leaders in Punjab to shut down the People's Commission is very disturbing. This commission was formed after the Akali Dal Government in Punjab, which promised to expose the genocide against the Sikhs, said that it would not appoint a commission to do so after all. In fact, the Chief Minister, Parkash Singh Badal, proudly boasts that his government has taken no action to punish any of the police officers responsible for this genocide.

This commission is not solely a Sikh organization. It was established by the Coordination Committee on Disappearance in Punjab, led by a Hindu human-rights activist, Ram Narayan Kumar. The three commission members are respected former Justices of the Indian Supreme Court, and two of the three are Hindus. And you might recall Mr. Speaker, it was the Indian Supreme Court that described the situation in Punjab, Khalistan as "worse than a genocide."

From August 8–10, 1998, the commission investigated 90 cases of genocide during its first meeting, and, as result, has requested those involved to bear the responsibility of their actions. Currently, the commission is investigating 3,000 more cases. In a country where over 250,000 Sikhs have been extrajudicially murdered by the police and other agents of the government since 1984, it is no wonder that the authorizes don't want the truth to get out. They are afraid that when the light of truth shines on them, they will be exposed as collaborators in the genocide against the Sikhs.

America is the moral conscience of the world. We must not let this effort to bury the genocide and evade responsibility for these crimes succeed. It is our solemn duty to do whatever we can to make sure that the People's Commission is able to complete its work, and that the people responsible for these murders, abductions, and other acts of torture are exposed and brought to justice. Mr. Speaker, I call on the President to instruct our Ambassador to India to intervene on behalf of the commission. I further urge my colleagues to impose tough sanctions on India until the commission has completed its efforts to expose the genocide; and I urge the United States of America to go on record for self-determination for the Sikhs of Punjab, Khalistan, so that they can decide their own fate in a free and fair election. That way, the repressive actions of the police can finally come to an end and real democracy can come once and for all to Punjab, Khalistan.

On September 3, 1998, the Hindustan Times ran a very informative article on the effort to close the People's Commission. I am placing it in the RECORD for the information of my colleagues. I hope we all will read it and consider the information therein.

THE HINDUSTAN TIMES 09/03 GOVT'S DISREGARD FOR PEOPLE'S PANEL IRKS RIGHTS ACTIVISTS

NEW DELHI: Human rights activists are irked by the Government's disregard bordering on disdain, for the People's Commission that has been hearing complaints of human rights violations in Punjab since the time when the State was in the thick of terrorism.

"How can the Government ignore the necessity to determine the facts," wondered Mr. Ram Narayan Kumar, convener of the committee for Coordination on Disappearance in Punjab. He was particularly livid that the commission was sought to be branded as "extra-judicial" by official agencies.

The commission is the brainchild of Justice (Retd) Kuldip Singh, who is a member of the Coordination Committee that functions as an umbrella organisation of Punjab-based human rights groups. The People's Commission was constituted, as a follow-up to the committee's first convention in December last year, as a functional-forum to defend human rights guaranteed under the Indian laws.

The complaints the People's Commission has been hearing, Mr. Kumar claimed, were based on facts revealing disappearances, custodial deaths and police torture. "The truth must come out. The incidents cannot be dismissed as forgotten past," he averred.

Mr. Kumar has to his credit two books providing a historical perspective to the human rights situation in the border State.

According to him, the political leaders, bureaucratic and intellectuals were indifferent to the problem of civil liberties and human rights.

"Nobody is interested in fact finding. But the facts cannot be suppressed. Thousands of those whose kin have disappeared are awaiting justice," Mr. Kumar said. Speaking on behalf of the committee, he claimed that the cases under scrutiny were based on extensive research work, "We want to propose reforms on the strength of facts and the existing law. Any attempt to vitiate the atmosphere might prove to be dangerous."

The Akali Dal had promised, before coming to power, that it would have a detailed inquiry conducted into the human rights violations. "But now they want to forget the past," he said.

During its first three-day session starting Aug. 8, the People's Commission heard complaints about alleged human rights violations at the time when Punjab was in turmoil. The "Bench" comprising three retired judges—Justices D.S. Tewatia, Justice H. Suresh and Justice Jaspal Singh—took up complaints of illegal abductions, custodial deaths, disappearances, summary executions and en masse illegal cremations.

The programmes adopted by the committee are aimed at countering, through an informed public opinion, the ongoing campaign for immunity for policemen charged with human rights violations; initiate a debate on vital issues of State power; organise compensation for the victims, and bring about change in domestic laws in conformity with the United Nations' instruments on torture and enforced disappearances.

Mr. Kumar dismissed the claims that the commission has been acting on the basis of one-sided stories. "We are willing to go into cases presented by widows of policemen killed by militants, we would be equally keen to study the instances they have documented," he said.

The commission's next sitting is scheduled from Oct. 23–25 in Ludhiana. However, the legal validity of its actions is doubted by experts.

MICROSOFT LITIGATION

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. CAMPBELL. Mr. Speaker, in recent months, I, along with several other members of Congress, have been visited by representatives of Microsoft, and high technology companies allied with and against Microsoft. The topic of the discussions has been the pending U.S. Department of Justice lawsuit against Microsoft. It has been my practice never to attempt to influence a matter in litigation, and I will follow that practice in this case. However, I do feel compelled to state that, whether the case that the Department has alleged ultimately proves successful in court or not, the Department of Justice in my view is on very solid antitrust ground in the theories it has advanced. I make that conclusion as a Professor

of Law at Stanford University, as a former Director of the Bureau of Competition, the antitrust enforcement arm of the Federal Trade Commission, as a former member of the Council of the Antitrust Section of the American Bar Association, and as a former expert witness in several antitrust matters.

The Department's case is brought under a well established antitrust doctrine known as tying. A firm with a large share of one market can choose to utilize its market power to compel consumers to purchase another product that would be more properly viewed as in a separate market. Such cases are easily 80 years old in antitrust. Numerous decisions of the United States Courts of Appeals and the United States Supreme Court have dealt with this doctrine. It is absolutely safe to conclude that the tying of the sale of one product to the purchase of another, conduct compelled by a firm with market power, is a garden variety violation of the antitrust laws. Indeed, it is a per se violation of the antitrust laws. (I hasten to add that, as an academic, I have spoken and written against the use of per se theory in many areas of antitrust; preferring instead a more careful analysis of the comparative benefits and harms to consumers from practices too readily condemned under the per se rubric. I would urge such a comparison here.) But what remains beyond reasonable disagreement is that the Department of Justice has premised its case on conservative antitrust principles, long upheld by the courts. Whether the Department can prove that the facts involved in Microsoft's marketing practices meet the legal standard for illegal tying, of course, remains to be proven in court.

The Department has also intimated that its case might be premised on a monopolization count: namely, that Microsoft's actions have had the purpose, and likely effect, of deterring the development of a new technology which, if allowed to develop, would render obsolete the very product, operating systems software, in which Microsoft currently has a dominant market position. Once again, such a theory is well known in antitrust, with examples from many industries from newspapers to petroleum, where companies have been taken to task under the antitrust laws for deterring customers from going to an alternative product.

I offer the foregoing statement at the request of several constituents who have asked my view on the matter. I do not anticipate any legislation on this matter, nor are my foregoing comments to be taken as any indication as to how I might vote should a legislative matter be presented that involves the kind of practices alleged here.

EMERGENCY FOOD ASSISTANCE ENHANCEMENT ACT OF 1998

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the Emergency Food Assistance Enhancement Act of 1998. My bill increases the mandatory commodity purchase account from $100,000,000 to $120,000,000 and is still expected to save the taxpayers over $200,000,000 over the next 4 years.

It is unfortunate, Mr. Speaker, that there is a need for food banks. Even though our farmer and ranchers are the most productive and efficient in the world, the need for food banks continues. Food banks often meet the needs of their communities by managing donations from the government and the private sector. Most government donations are the product of the emergency food assistance program. It is a unique program that has the ability to provide nutritious domestic agriculture products to needy Americans while at the same time providing support to the agriculture community. In the welfare reform bill, Congress made TEFAP commodity purchases mandatory because of the integral role this program has in the provisions of food assistance to needy families.

This program is a quick fix, something to get families through tough times. It gives them the support they need, but it doesn't ensnare them into a cycle of dependency for which other federal assistance programs are infamous. TEFAP purchases also provide much needed support to the agriculture community. While other food assistance programs are much larger, TEFAP has a more direct impact for agriculture producers, while at the same time providing food for those in need.

To pay for the $20,000,000 increase for the TEFAP program, this bill strikes the provisions for new funding and spending conditions in the Food Stamp Employment and Training (E+T) Program that were included in the Balanced Budget Act of 1997. The bill gives TEFAP an additional $20,000,000 a year and returns the rest to the U.S. treasury. In addition, it strikes the mandate that 80% of both new and previous Employment and Training funds must be used to provide state work or training slots for able-bodied adults without dependents who are subject to the work requirements within three months of receipt of food stamps.

Many states report that declines in the able bodied adults without dependents caseload has declined more dramatically than the overall food stamp caseload rate. In some states the able bodied adults without dependents caseload decline is ten times the rate of decline for the total food stamp caseload.

Due to the declining number of able bodied adults without dependents cases, restrictions on state spending of federal Employment and Training funding are leading to dramatic imbalances in the amount of funds available and services to this population and the rest of the food stamp recipients. For example, the state of Texas estimates that it will have over 12 times more money available for able-bodied adults without dependents than for anyone else on food stamps. In real dollars, for example, that breaks down to $491 for a single 23 year old male that is on food stamps compared to just $40 for a 23 year old mother of four participating in the same program.

The able-bodied adults without dependents constitute only 25% of all employment and training program participants yet 80% of all the employment and training money is reserved for them. It is obvious that the needs of the able bodied adult without dependents and everyone else in the Employment and Training programs would be better served if the states could address the needs of all participants on an equal basis and promote self-sufficiency for all recipients.

Mr. Speaker, I am hopeful that the Emergency Food Assistance Enhancement Act will enjoy resounding and rapid support from the full House of Representatives. It is important that we increase authority for this important program and stop the wasteful spending on Food Stamp Employment and Training programs for people who refuse to participate. It is equally, if not more important, to send a message to the conferees assigned to the Agriculture Appropriations bill for fiscal year 1999 that TEFAP is a vitally important program and should be funded to its fullest extent.

PERSONAL EXPLANATION

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 15, 1998

Mr. STABENOW. Mr. Speaker, on rollcall vote No. 426, had I been present I would have voted "yes"; on rollcall vote No. 427, had I been present I would have voted "yes"; on rollcall vote No. 428, had I been present I would have voted "yes"; on rollcall vote No. 429, had I been present I would have voted "yes"; and on rollcall vote No. 430, had I been present I would have voted "yes.'